

# WELCOME!

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Association of  
Title IX Administrators

# Violence Risk Assessment for Title IX

Endorsed by the National Association for Behavioral  
Intervention and Threat Assessment



Strategic Risk  
Management Solutions



Any advice or opinion provided during this training, either privately or to the entire group, is never to be construed as legal advice. Always consult with your legal counsel to ensure you are receiving advice that considers existing case law, any applicable state or local laws, and evolving federal guidance.

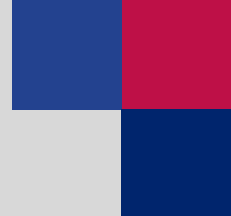
# CONTENT ADVISORY

The content and discussion in this course will necessarily engage with sex- and gender-based harassment, discrimination, and violence and associated sensitive topics that can evoke strong emotional responses.

ATIXA faculty members may offer examples that emulate the language and vocabulary that Title IX practitioners may encounter in their roles including slang, profanity, and other graphic or offensive language.

# WORKSHOP AGENDA

- 1 Regulation Overview
- 2 Behavioral Intervention Teams (BIT) Overview
- 3 BIT and Title IX Overlap
- 4 Violence Risk Assessment (VRA) Overview
- 5 VRA Results
- 6 Case Study Application



# **TITLE IX NOTICES OF PROPOSED RULEMAKING 2022 & 2023**

# TITLE IX REGULATIONS

- **1972:** Congress passed Title IX of the Education Amendments
- **1980:** the Department of Education's Office for Civil Rights (OCR) given primary responsibility for enforcing Title IX
- **November 2018:** OCR proposed the most detailed and comprehensive Title IX regulations to date, which focused on sexual harassment response
- **August 2020:** Significantly amended, due-process oriented Regulations took effect (proposed in Nov. 2018)
- **June 2022:** OCR published a Notice of Proposed Rule Making (NPRM) outlining proposed changes to the Title IX regulations focused on sexual harassment response and pregnancy and related conditions

# NPRM PROCESS TIMELINE

- **July 2022:** NPRM published in the Federal Register and the 60-day comment period began
- **September 2022:** Review and comment period ended
- Final Rule expected to be issued in Spring 2023
- Effective Date approximately Summer/Fall 2023
- **April 2023:** OCR published a Notice of Proposed Rule Making (NPRM) outlining proposed changes to the Title IX regulations focused on gender identity and athletic participation; notice of a 30-day comment period
- Athletics Final Rule anticipated Spring 2024
- Athletics Effective Date anticipated Summer/Fall 2024



# PREPARING FOR IMPLEMENTATION

- Continue to fulfill obligations under the current regulations for the 2022-2023 academic year.
- Anticipate OCR will expect schools to implement the new sexual harassment and pregnancy-related Title IX regulations before the start of the 2023-2024 academic year.

## **Steps to Take Now:**

- Prepare to educate your community on the changes
- Identify stakeholders that will need to be involved in making policy decisions (e.g., whether to have hearings)
- Determine how you will manage policy changes
- Plan for the training needs for your community
- Consider state laws, court decisions, and other regulations that may affect your institutional approach



# REGULATION OVERVIEW

- 2020 Title IX Regulations
- Emergency Removal
- When to Refer for a Violence Risk Assessment

# TITLE IX

*20 U.S.C. § 1681 & 34 C.F.R. Part 106 (1972)*

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance.”



# WHEN DOES TITLE IX APPLY?

- Regulations emphasize the *Davis* standard
  - Control over the harasser and the context of the harassment
  - “education program or activity” means...
    - locations, events, or circumstances under substantial control
    - any building owned or controlled by an officially recognized student organization
- Regulations specify “harassment...against a person in the United States”
  - Off-campus/out-of-school conduct, study abroad programs, or school-sponsored international trips – “nothing in the regulations would prevent...”

# WHEN DOES TITLE IX APPLY?

- The definition of sexual harassment arguably covers the in-program effects of out-of-program misconduct (though not the misconduct itself)
- At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the Recipient with which the formal complaint is filed
  - OCR adopts in the discussion a fairly broad definition of what could constitute “attempting to participate”
- **Note:** The Title IX Coordinator makes the determination about jurisdiction before a complaint is assigned to the Investigator

# KEY TITLE IX-RELATED ISSUES

## Sex-Based Discrimination

- Program Equity
- Recruitment, Admissions, & Access
- Pregnancy
- Athletics
- Employment, Recruitment, & Hiring
- Extra-curricular activities
- Housing
- Access to Course Offerings
- Salaries & Benefits
- Financial Assistance
- Facilities
- Funding
- Sex, Sexual Orientation, & Gender Identity

## Sexual Harassment

- Quid Pro Quo
- Hostile Environment
- Sexual Assault
- Domestic Violence
- Dating Violence
- Stalking

## Retaliation

# WHAT BEHAVIORS MAY RESULT IN A VRA?

- Sexual Assault
- Domestic Violence
- Dating Violence
- Stalking

# EMERGENCY REMOVAL

**A Recipient may remove a student Respondent from the education program or activity on an emergency basis, only after:**

1. Undertaking an individualized safety and risk analysis
2. Determining if an immediate threat to the **physical health or safety** of any student or other individual arising from the allegations of sexual harassment justifies removal
3. Providing the Respondent with notice and an opportunity to challenge the decision immediately following the removal while respecting all rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act, as applicable.



# EMPLOYEE ADMINISTRATIVE LEAVE

- A Recipient may place a non-student employee Respondent on administrative leave during the pendency of a grievance process under existing procedures, without modifying any rights provided under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act

# WHEN TO REFER FOR A VRA

**In any case of recent or ongoing sexual assault, domestic or dating violence, stalking, sexual harassment, or retaliation, the presence of one or more of the following risk factors would necessitate a VRA as part of the emergency removal process:**

- The incident(s) included physical violence (e.g., strangulation, asphyxiation, punching, kicking) resulting in injuries
- The Respondent has made threats to kill the individual
- The Respondent has made threats of future physical violence (e.g., strangulation, asphyxiation, punching, kicking) or retaliation that would result in physical harm to the Complainant or to those close to the Complainant (including animals)
- The incident(s) involved the use of a lethal weapon

# WHEN TO REFER FOR A VRA (CONT.)

- If the previous risk factors are not present, use the ATIXA scoring guide (i.e., Title IX VRA Referral Protocol) to determine the need for a VRA as part of the emergency removal process.

## Sexual Assault

- (1 point) The reported incident was recent and/or presents the potential for continued risk.
- (1 point) The reported incident involved non-consensual digital, genital, or oral penetration.
- (1 point) The acts were witnessed by other parties or recorded (audio, video, photo, streamed).
- (1 point) The Respondent has access to weapons.
- (2 points) The reported incident involved multiple Respondents.
- (2 points) There are elements of incapacitation to facilitate the assault; such as abuse of substances like alcohol, prescription drugs, illegal drugs, etc.; especially if these elements were provided by the Respondent.
- (3 points) There are multiple reported incidents involving the Respondent, now or in the past.
- (3 points) The Respondent has violated a no-contact order, restraining order, injunction for protection, or order of protection related to this allegation.
- (3 points) The reported incident involved elements of targeted, predatory behavior such as grooming behaviors, facilitating vulnerability in a target, intentionally isolating a target, direct coercive statements, or threats.
- (3 points) The Respondent has sent a picture/video/other communication of a weapon or has threatened to use a weapon.
- (4 points) The reported incident involved physical force such as physically restraining, strangulation, and/or physical violence.
- (4 points) The Respondent has made facially credible threats of physical retaliation or future harm.

\_\_\_\_\_ Total Score

0 – 3 points: Potential Non-Immediate Threat - Refer to BIT/TAT/CARE Team.

4+ points: Potential Immediate Threat - Initiate VRA as part of the emergency removal process.

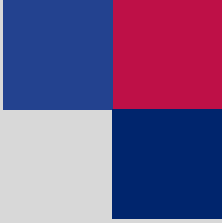
## Stalking

- (1 point) The reported incident(s) is recent.
- (1 point) The Respondent has a known, unmanaged mental health condition and/or substance abuse problem.
- (1 point) The Respondent has access to weapons.
- (1 point) The Respondent demonstrated knowledge of the Complainant's schedule, place of residence, place of employment, or locations frequented by the Complainant.
- (2 points) The reported incident(s) is ongoing.
- (2 points) The reported stalking behavior included actual or attempted uninvited entry into the Complainant's place of residence or employment or vehicle, or the Respondent attempted to lure the complainant out of a safe environment.
- (2 points) The Respondent has engaged in spoofing, doxing, or other actual or online incursion to harm the Complainant.
- (2 points) The reported stalking behavior involves gaslighting or is related to unrequited romantic or sexual requests or a recent termination of an intimate relationship.
- (3 points) The Respondent has violated a no-contact order, restraining order, injunction for protection, or order of protection related to this allegation.
- (3 points) The Respondent sent a picture/video/other communication of a weapon, and/or has threatened to use a weapon.
- (4 points) The reported stalking behaviors have included actual violence or facially credible threats of physical violence.

\_\_\_\_\_ Total Score

0 – 3 points: Potential Non-Immediate Threat - Refer to BIT/TAT/CARE Team.

4+ points: Potential Immediate Threat - Initiate VRA as part of the emergency removal process.



# BIT OVERVIEW

- Defining BIT
- Mission/Scope
- Membership/Leadership
- BIT Process

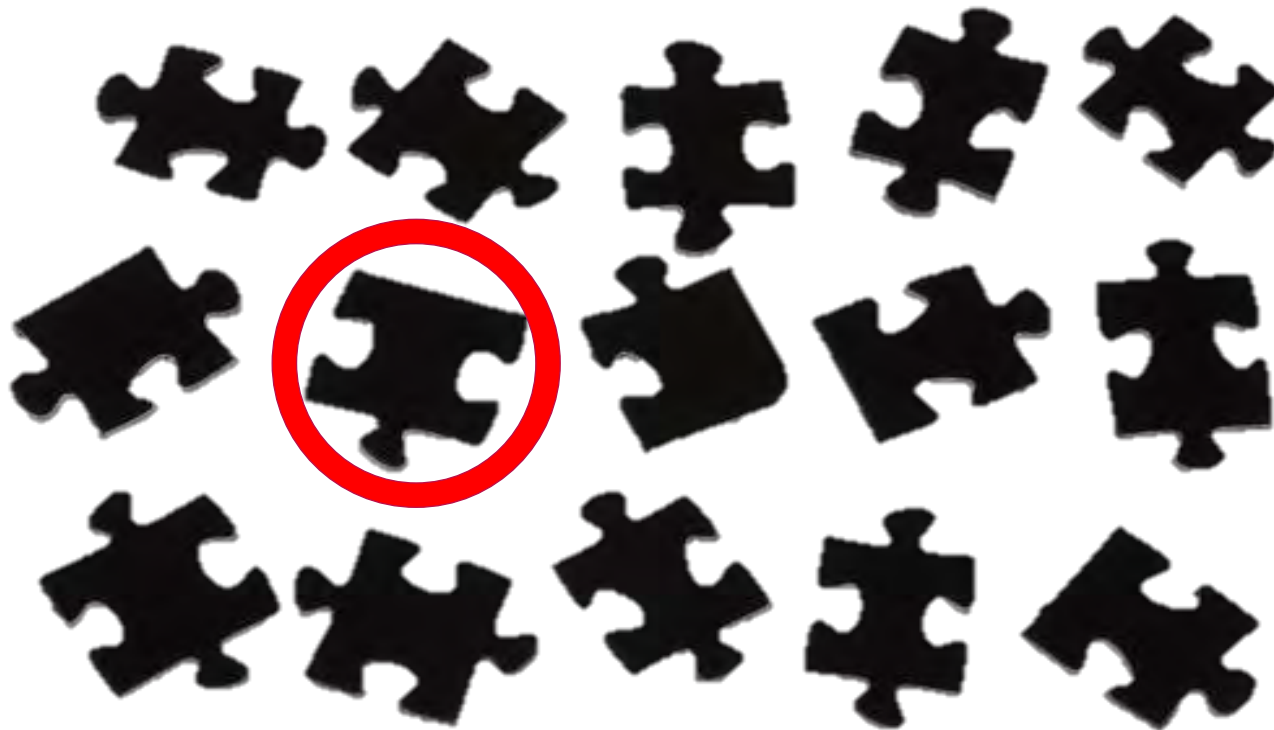
# DEFINING BIT

Behavioral Intervention Teams are ***small groups*** of school officials who ***meet regularly*** to ***collect and review concerning information*** about at-risk community members and ***develop plans*** to assist them.



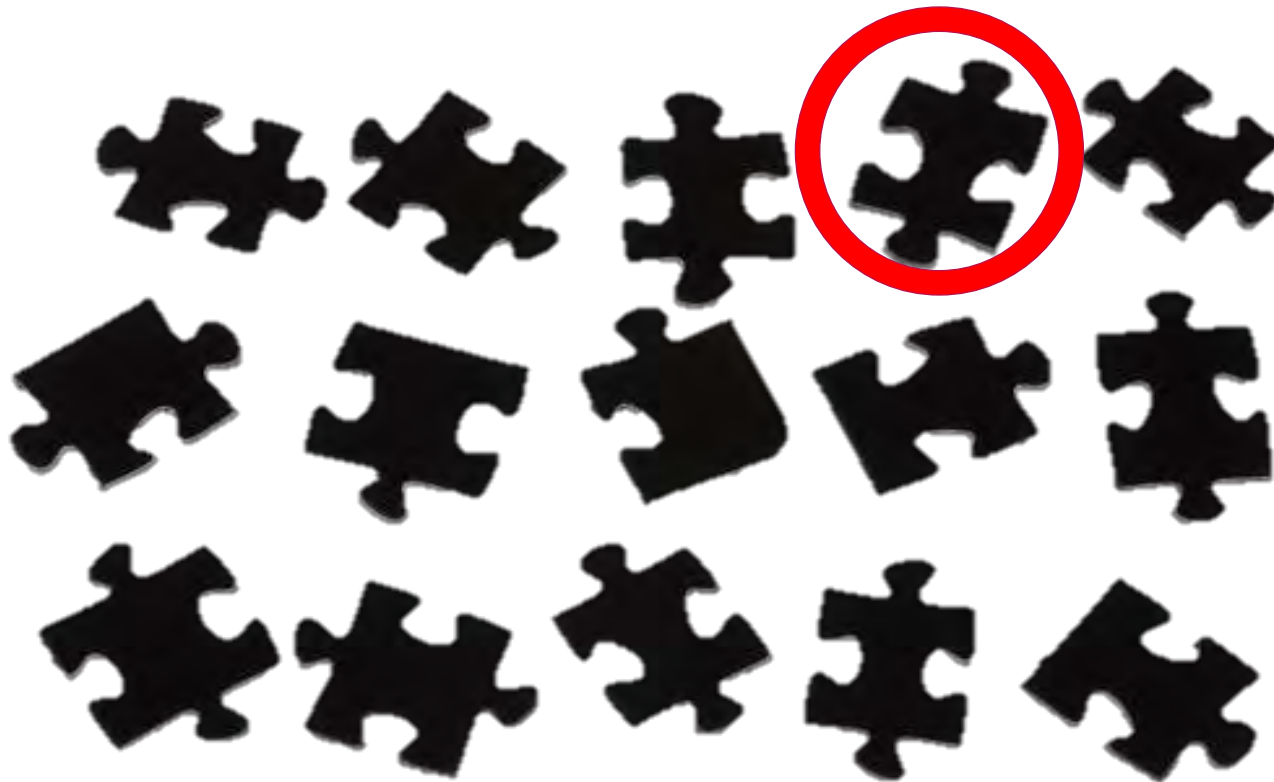
# EARLY IDENTIFICATION & THREAT

## What is a BIT?



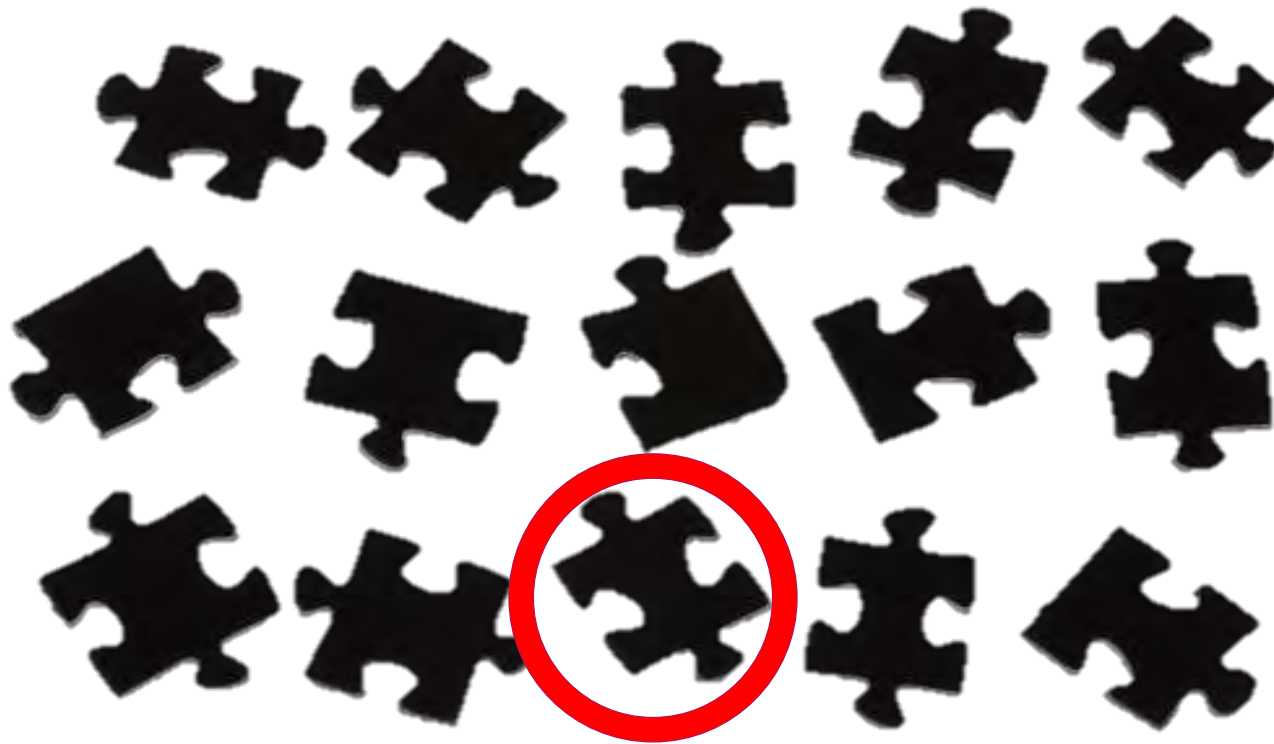
# EARLY IDENTIFICATION & THREAT

## What is a BIT?



# EARLY IDENTIFICATION & THREAT

## What is a BIT?



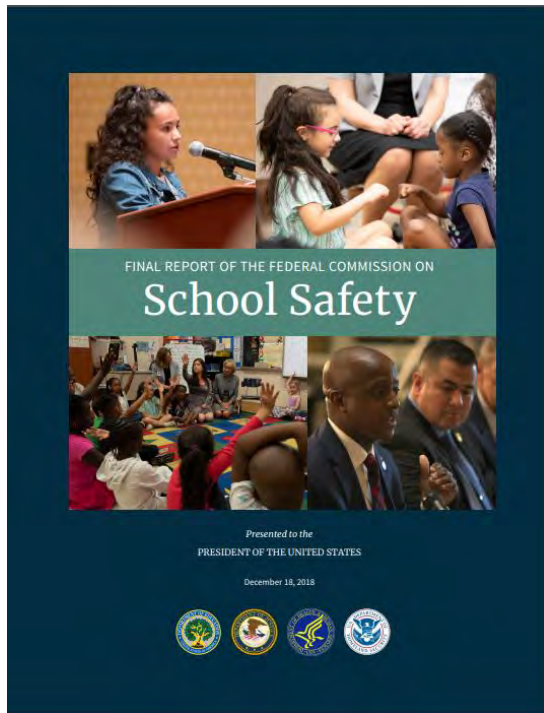


# DEFINING BIT

Schools have an *integrated team* that addresses *early intervention* cases as well as *threat assessment* cases.

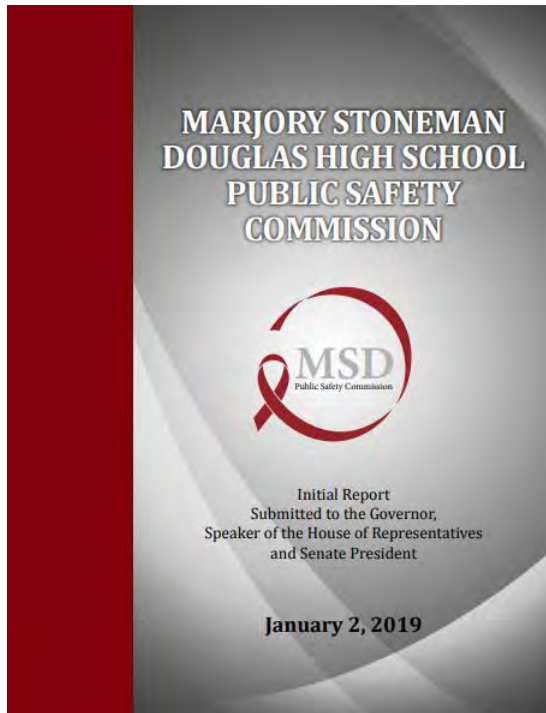


# DEFINING BIT

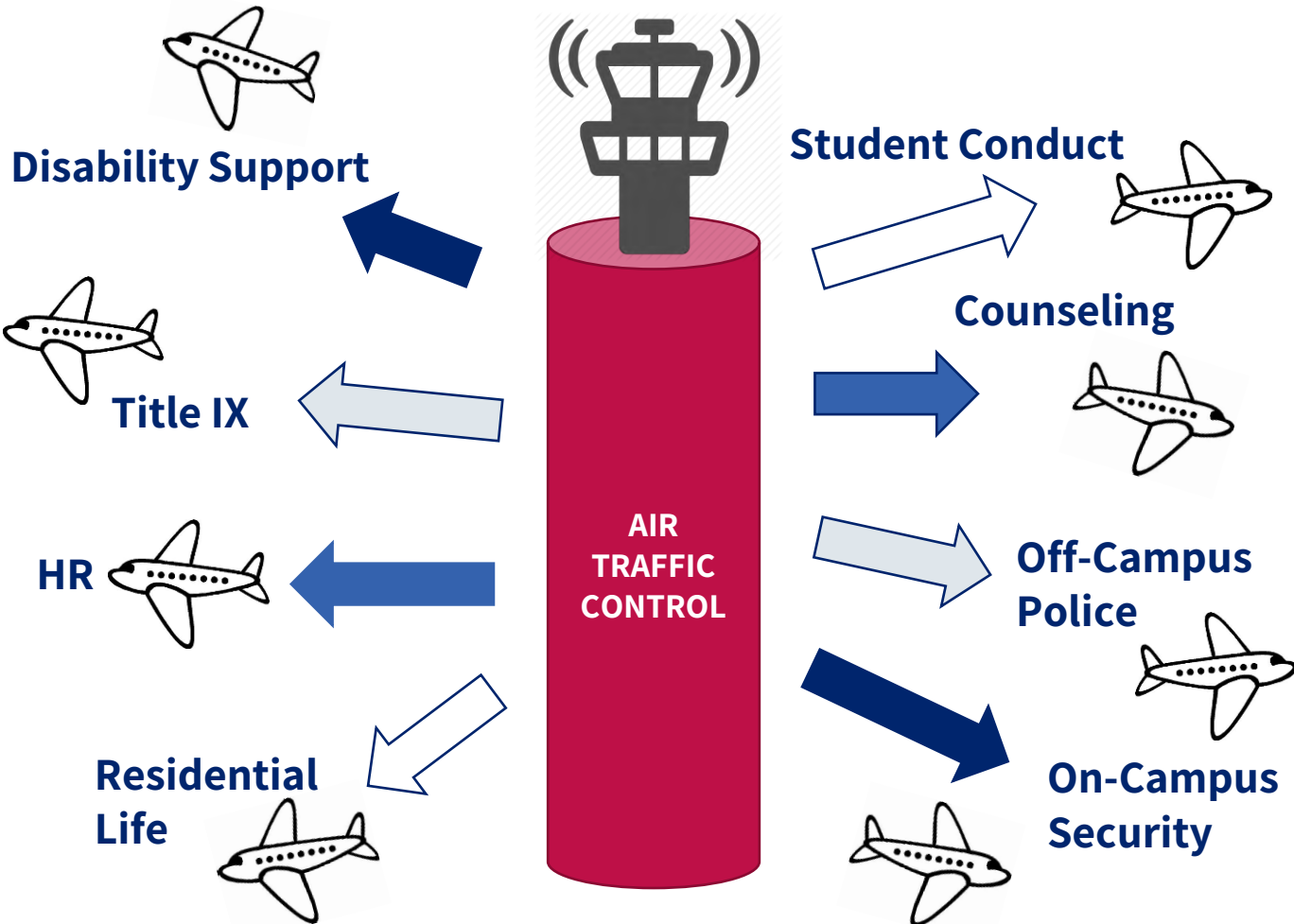


“What remains certain is that effective *programs addressing suspicious activity reporting* and *threat assessment* can significantly *reduce – or prevent – violence.*”

# DEFINING BIT



“Behavioral threat assessment teams are one of the most important opportunities to provide a safer school environment and head off concerning behavior before it manifests into actual harm”



# TEAM LEADERSHIP

Team leaders serve to *bring the team together* and *keep discussion productive* and focused while *maintaining a long-term view* of team development and education.

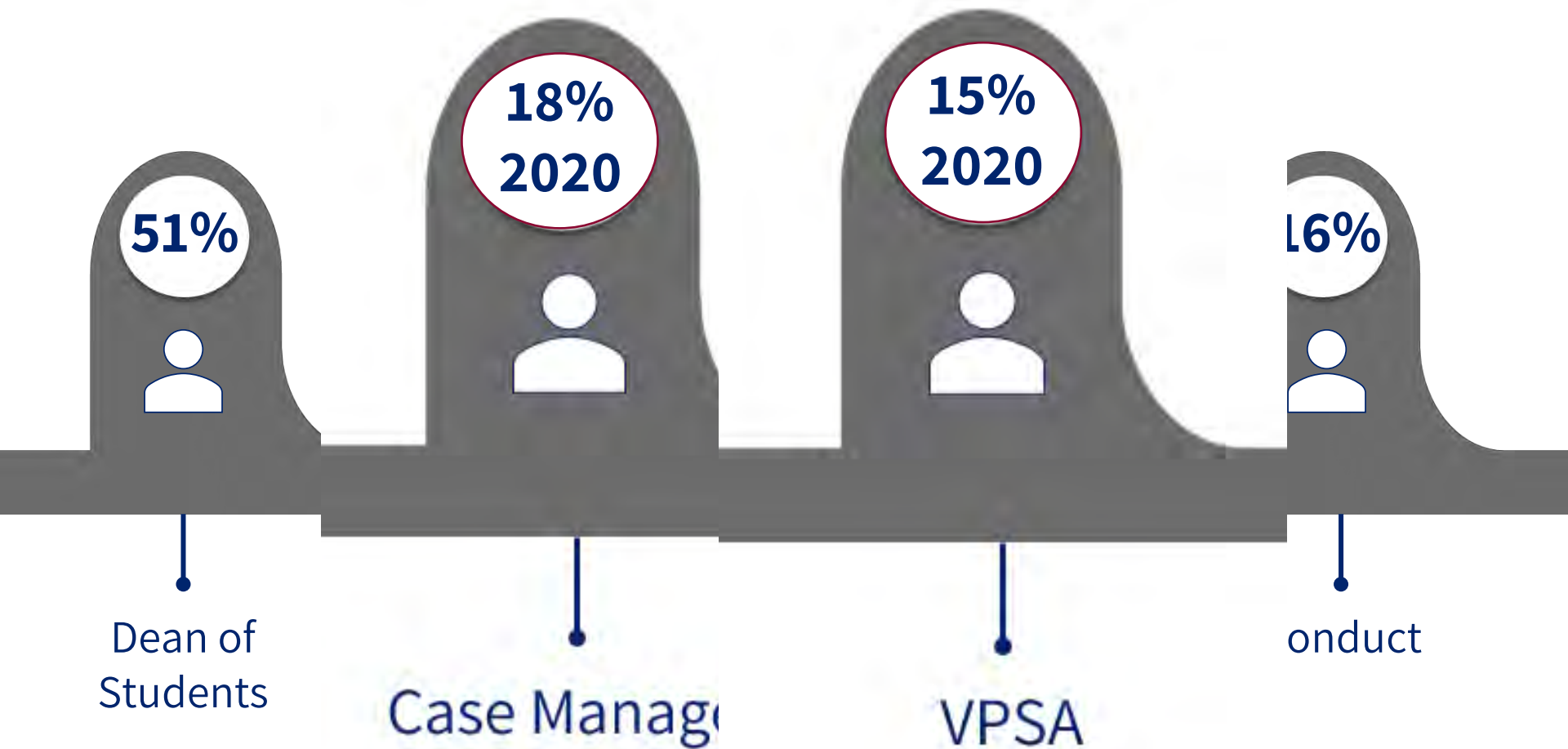


# LEADERSHIP



1. Permanent
2. Consistent and reliable
3. Collaborative management approach; establish trust
4. Inspires loyalty
5. Can build consensus
6. Conflict management skills
7. Focuses on ongoing training and table-tops
8. Keeps policies and procedures updated
9. Understands big picture
10. Ability to work with leadership, media, and political issues

# TEAM CHAIR



# TEAM MEMBERSHIP

Teams are comprised of at least 5, but not more than 10 members and should at a minimum include:

- Dean of Students and/or VPSA
- Mental Health Care Employee
- Student Conduct Staff Member
- Safety/Law Enforcement Officer

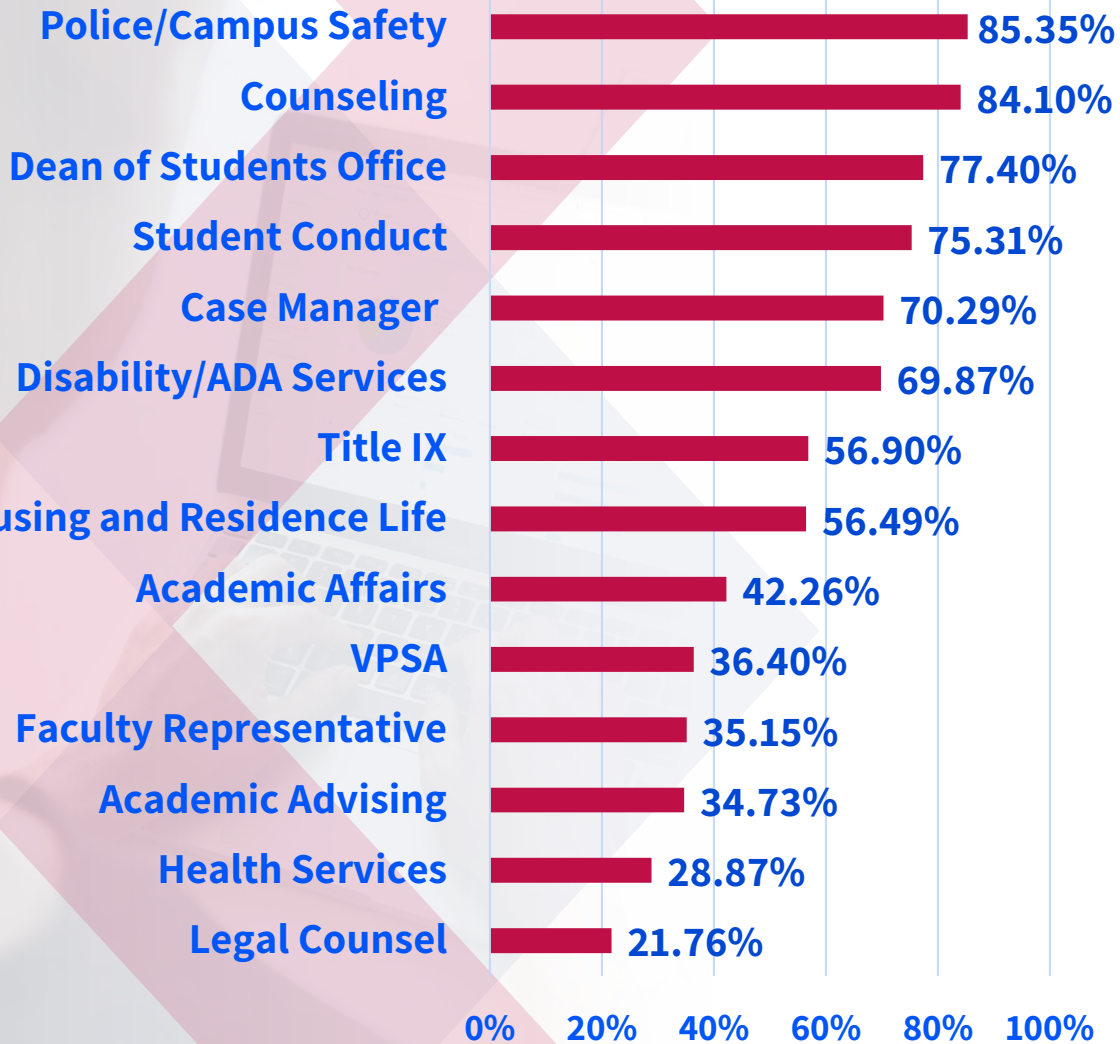




# TEAM MEMBERSHIP



# TEAM MEMBERSHIP



## Average Team Size

8

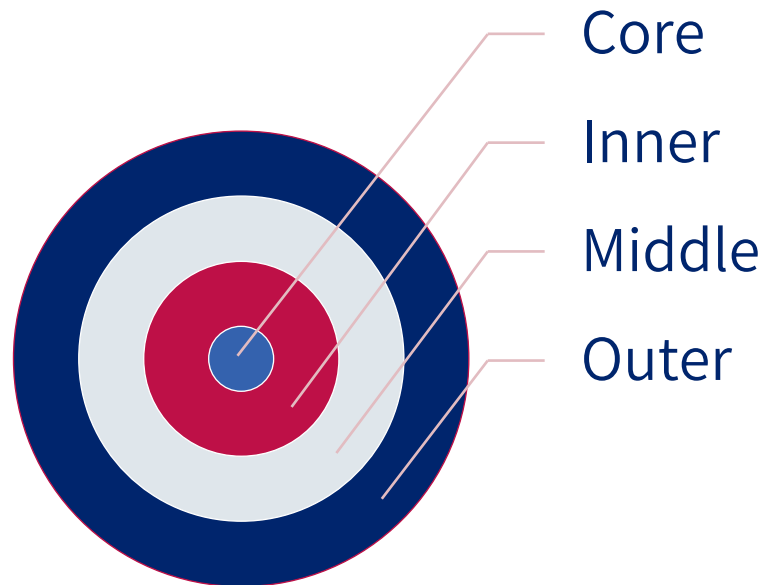


**60%** of teams

classify their membership  
by categories

# TEAM MEMBERSHIP

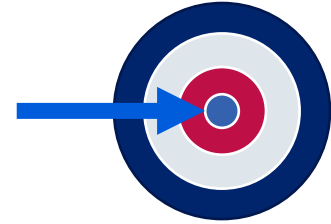
BITs are comprised of four types of members each of which varies in their level of communication, access to database, and attendance at meetings.



# TEAM MEMBERSHIP

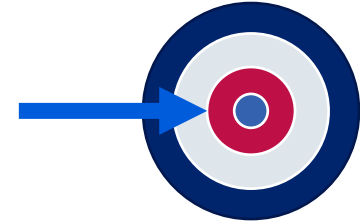
## Characteristics of Core Members:

- They NEVER miss a meeting.
  - They are always represented because they have a backup, often one that attends the meetings regularly.
- They have a mechanism for quickly reaching the other core members.
- They have full database access.



# TEAM MEMBERSHIP

## Characteristics of Inner Circle Members:

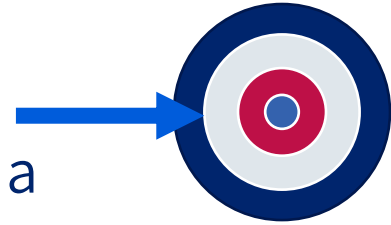


- They are generally at every meeting.
- They represent a constituency that is critical to the team
  - e.g., when a large percentage of the student population is from a specific group like fraternity and sorority life, or athletics.
- They are needed to help represent a group that is critical to reporting. Some teams add faculty for this reason.
- They have a proxy, but not a formal backup.
- They have access to the database, and likely full access.

# TEAM MEMBERSHIP

## Characteristics of Middle Circle Members:

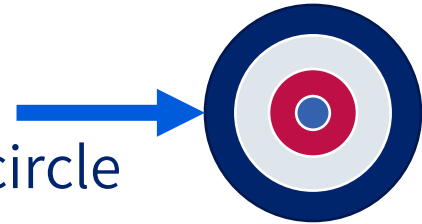
- They are invited when they may have insight into a constituent group that is not a large percentage of the overall population.
- They may have insight or perspective into the particular student (or staff/faculty member) who is the subject of the report or who made the report.
- They help represent an important reporting group.
- They have limited, if any, access to the database (unless their job requires it).



# TEAM MEMBERSHIP

## Characteristics of Outer Circle Members:

- They do not attend meetings, but core or inner circle members may reach out to them as needed.
- They are needed to help provide outreach to the student of concern or some related party.
- They have NO access to the database unless some other part of their job requires it.



# SHOULD A TITLE IX REPRESENTATIVE SERVE ON THE BIT?

## Benefits

- ✓ Helps break down institutional silos
- ✓ Specialty knowledge of interim measures & remedies – for issues even beyond Title IX
- ✓ Streamlines an appropriate response to Title IX issues
- ✓ Title IX staff may know about potential risks others aren't aware of due to responsible employee reporting requirements

## Cautions

- Could lead to allegations of bias
- Many of the reports discussed by the BIT are not relevant to Title IX
- Adds another person to a team with already limited space
- Could be a conflict of interest if the person selected to serve on the BIT wears multiple hats (e.g., Deputy Title IX Coordinator and Decision-maker)



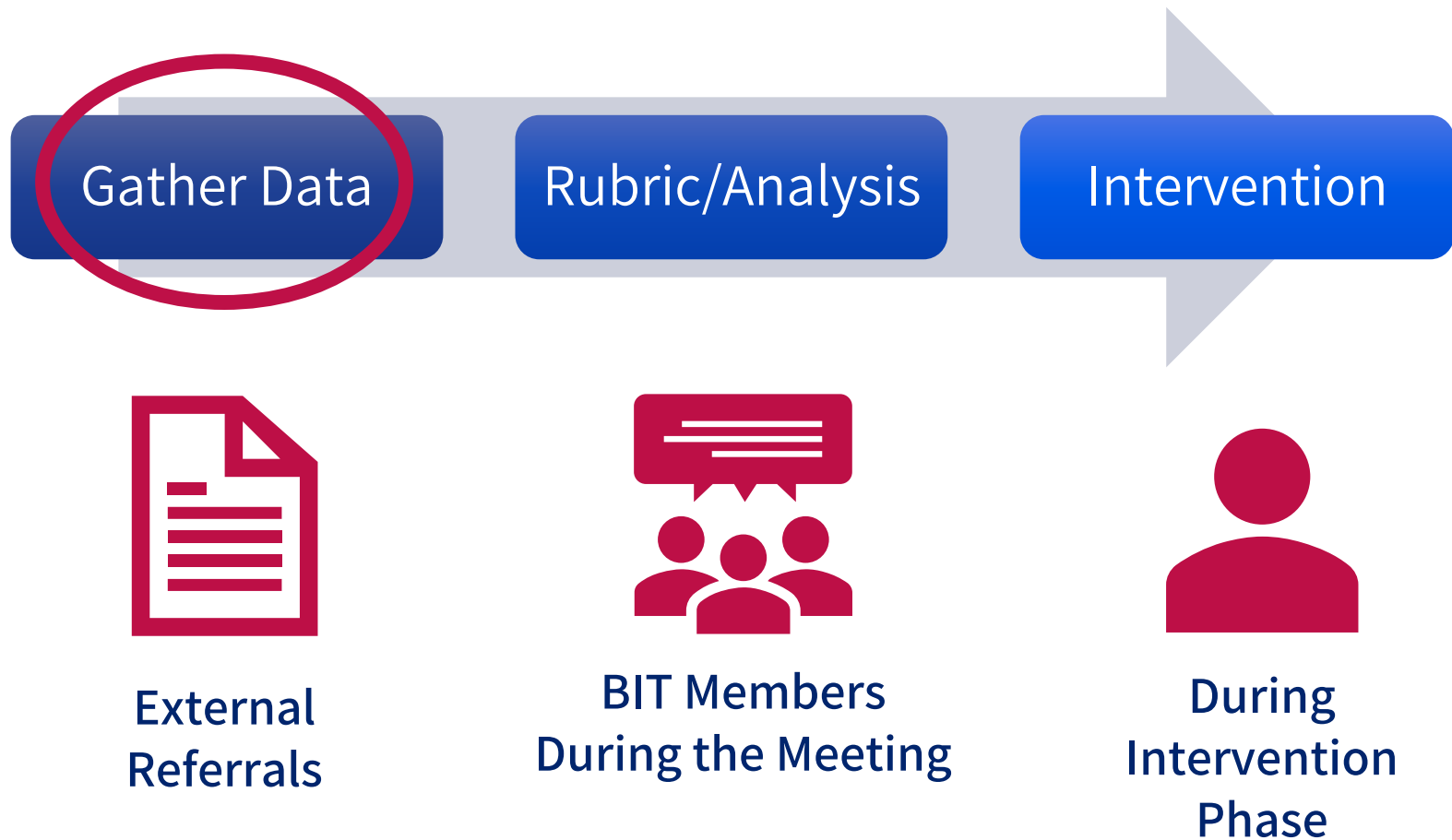
# SHOULD A TITLE IX REPRESENTATIVE SERVE ON THE BIT?

- Title IX Coordinator or Deputy Coordinator, not an Investigator, should be the liaison with the BIT
- Serve as “middle circle member” of the BIT, not a core member
  - Invited when they may have insight into a report
  - Aware of who is on the agenda to be discussed
  - Has limited to no access to the entire BIT database
- Title IX Coordinator should be well-trained in BIT philosophy, procedure, and operations
- BIT members should be well-trained in scope of Title IX; requirement to stop, prevent and remedy; and how to make a Title IX report

# BIT PROCESS



# BIT PROCESS: GATHER DATA



# BIT PROCESS: RUBRIC/ANALYSIS



## NABITA Risk Rubric

### D-SCALE

Life Stress and Emotional Health

#### DECOMPENSATING

- ▲ Behavior is severely disruptive, directly impacts others, and is actively dangerous. This may include life-threatening, self-injurious behaviors such as:
  - ▲ Suicidal ideations or attempts, an expressed lethal plan, and/or hospitalization
  - ▲ Extreme self-injury, life-threatening disordered eating, repeated DUIs
  - ▲ Repeated acute alcohol intoxication with medical or law enforcement involvement, chronic substance abuse
  - ▲ Profoundly disturbed, detached view of reality and at risk of grievous injury or death and/or inability to care for themselves (self-care/protection/judgment)
  - ▲ Actual affective, impulsive violence or serious threats of violence such as:
    - ▲ Repeated, severe attacks while intoxicated; brandishing a weapon
    - ▲ Making threats that are concrete, consistent, and plausible
    - ▲ Impulsive stalking behaviors that present a physical danger

#### DETERIORATING

- Destructive actions, screaming or aggressive/harassing communications, rapid/odd speech, extreme isolation, stark decrease in self-care
  - Responding to voices, extremely odd dress, high risk substance abuse; troubling thoughts with paranoid/delusional themes; increasingly medically dangerous bingeing/purging
  - Suicidal thoughts that are not lethal/imminent or non-life threatening self-injury
- Threats of affective, impulsive, poorly planned, and/or economically driven violence
- Vague but direct threats or specific but indirect threat; explosive language
- Stalking behaviors that do not cause physical harm, but are disruptive and concerning

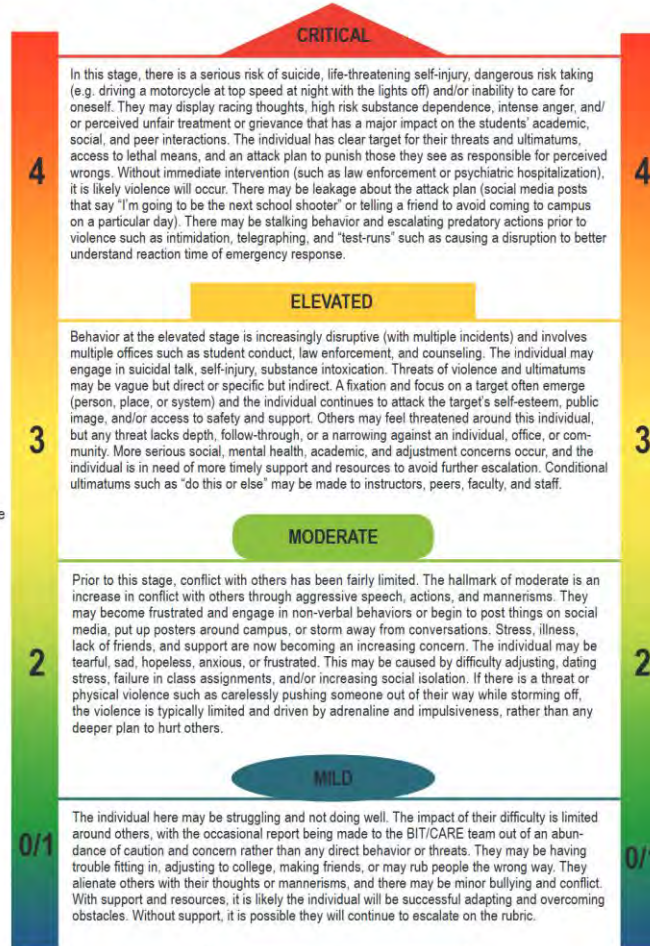
#### DISTRESSED

- Distressed individuals engage in behavior that concerns others, and have an impaired ability to manage their emotions and actions. Possible presence of stressors such as:
  - Managing chronic mental illness, mild substance abuse/misuse, disordered eating
  - Situational stressors that cause disruption in mood, social, or academic areas
  - Difficulty coping/adapting to stressors/trauma; behavior may subside when stressor is removed, or trauma is addressed/processed
- If a threat is present, the threat is vague, indirect, implausible, and lacks detail or focus

#### DEVELOPING

- ◆ Experiencing situational stressors but demonstrating appropriate coping skills
- ◆ Often first contact or referral to the BIT/CARE team, etc.
- ◆ Behavior is appropriate given the circumstances and context
- ◆ No threat made or present

### OVERALL SUMMARY



### E-SCALE

Hostility and Violence to Others

#### EMERGENCE OF VIOLENCE

- ▲ Behavior is moving towards a plan of targeted violence, sense of hopelessness, and/or desperation in the attack plan, locked into an all or nothing mentality
- ▲ Increasing use of military and tactical language; acquisition of costume for attack
- ▲ Clear fixation and focus on an individual target or group; feels justified in actions
- ▲ Attack plan is credible, repeated, and specific; may be shared, may be hidden
- ▲ Increased research on target and attack plan, employing counter-surveillance measures, access to lethal means; there is a sense of imminence to the plan
- ▲ Leakage of attack plan on social media or telling friends and others to avoid locations

#### ELABORATION OF THREAT

- Fixation and focus on a singular individual, group, or department; depersonalization of target, intimidating target to lessen their ability to advocate for safety
- Seeking others to support and empower future threatening action; may find extremists looking to exploit vulnerability; encouraging violence
- Threats and ultimatums may be vague or direct and are motivated by a hardened viewpoint; potential leakage around what should happen to fix grievances and injustices
- There is rarely physical violence here, but rather an escalation in the dangerousness and lethality in the threats; they are more specific, targeted, and repeated

#### ESCALATING BEHAVIORS

- Driven by hardened thoughts or a grievance concerning past wrongs or perceived past wrongs, increasingly adopts a singular, limited perspective
- When frustrated, storms off, disengaged, may create signs or troll on social media
- Argues with others with intent to embarrass, shame, or shut down
- Physical violence, if present, is impulsive, non-lethal, and brief; may seem similar to affective violence, but driven here by a hardened perspective rather than mental health and/or environmental stress

#### EMPOWERING THOUGHTS

- ◆ Passionate and hardened thoughts; typically related to religion, politics, academic status, money/power, social justice, or relationships
- ◆ Rejection of alternative perspectives, critical thinking, empathy, or perspective-taking
- ◆ Narrowing on consumption of news, social media, or friendships; seeking only those who share the same perspective
- ◆ No threats of violence

↑ TRAJECTORY?

BASELINE

↑ TRAJECTORY?

# BIT PROCESS: INTERVENTIONS



## Assessment Based

- The intervention should be the product of a quality analysis and accurately fit the nature of the risk. It should be tailored to the severity of the risk.

## Range of Options

- Check-ins
- Case Management
- Parental Contact
- Mandated Assessment
- Involuntary Leaves

## Ongoing

- Not just one and done
- More than just giving individual list of resources
- Includes follow-up and ongoing connections

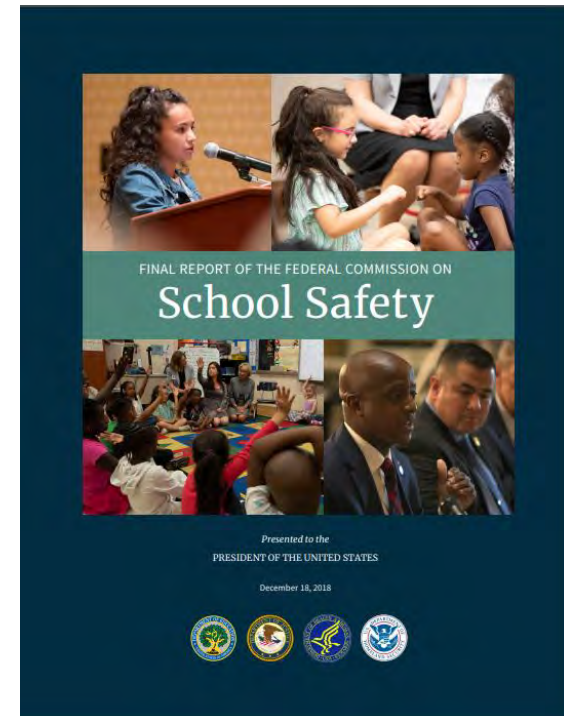
# DEFINING BIT

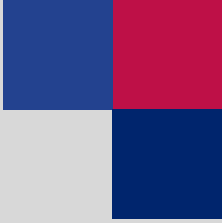
## Supports NABITA Three-Phase Model

- Identify Students of Concern
- Assess if they pose a risk
- Manage to mitigate the risk

## More than just “See Something, Say Something”

- Training individuals to report is a key first step but the school must then have the capacity to appropriately respond.





# BIT AND TITLE IX OVERLAP

- Process Differences
- BIT Referrals from Title IX
- Title IX Referrals from BIT
- Violence Risk Assessment
- Information Sharing

# PROCESS DIFFERENCES

## Title IX Staff

- Responsible for addressing sex/gender-based discrimination
- Legal requirements to **investigate** reported incidents, **stop** the discrimination, **prevent** its recurrence, and **remedy** the effects
- Expertise in investigations, due process, interim measures, etc., but not necessarily in violence risk assessment, prevention, and intervention

## BIT Members

- Responsible for responding to **all** reported concerning behavior
- **Receive** all reports of concern, **assess** the risk for future concern, and **deploy** intervention to mitigate the risk
- Expertise in responding holistically to student needs and are trained in identifying, assessing, and responding to indicators of problematic or violent behavior but not necessarily in investigations, hearings, and due process.



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**INCIDENTS DO NOT  
HAVE TO RISE TO THE  
LEVEL OF NEEDING A  
VRA TO REFER TO BIT!**

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# MUTUAL REFERRALS AND OVERLAP

## Title IX to BIT

Title IX referring incident(s) to BIT that do not fall within their jurisdiction or do not rise to the level of a VRA

## Objective VRA

BIT conducting a VRA for individuals that are engaging in threats or acts of violence



## BIT to Title IX

BIT referring incident(s) to Title IX involve parties being targeted

## Supportive Measures

BIT and Title IX providing supportive measures to those participating in the Title IX process

# MUTUAL REFERRALS AND OVERLAP



FERPA ALLOWS YOU  
TO DO THIS

# FERPA



**Schools share and document information in accordance with the Family Educational Rights and Privacy Act (FERPA).**

- Education Records are defined as records that are:
  - Directly related to a student
  - Maintained by an educational agency or by a party acting for the agency or institution
- This applies to:
  - BIT Referrals and Notes
  - Title IX Referrals and Notes
  - Conduct Records

# INFORMATION SHARING

## Internal Disclosures



Sharing information within the institution:

- Faculty
- Staff
- Contractors, consultants
- Any designated school officials

## External Disclosures



Sharing information with an individual outside the institution:

- Parents/Guardians
- Students
- Off-campus employers
- And lots more...

# INTERNAL INFORMATION SHARING



**FERPA permits the disclosure of information contained in education records, without the student's consent, to school officials who have a legitimate educational interest.**

# FERPA GUIDANCE

## School Officials

- FERPA permits the disclosure of information contained in education records to school officials who have a legitimate educational interest.
- School officials include anyone who works for the school (e.g., faculty, staff, administrators, residence life, campus safety)

## Designated School Officials

- Under certain conditions, it can also apply to outside agencies such as:
  - Law Enforcement
  - Mental Health Officials
  - Other community experts

# INTERNAL INFORMATION SHARING



**School Official**

**Legitimate  
Educational  
Interest**

**No consent  
required**



# OVERLAP OF TITLE IX AND BIT (CONT.)

## Title IX Cases

Complaints involving incidents of aggression, threats of violence, violence, harm to self, stalking, hazing, vandalism, substance abuse.

For example:

- Complainant experiences hallucinations that cause them to believe they are being stalked
- Respondent has history of suicidal ideation
- Employee's ex-partner repeatedly calls the workplace and makes threats to employee and coworkers
- Need for VRA for Emergency Removal consideration



## BIT Cases

Referrals with components of gender-based violence necessitating Title IX-based response.

For example:

- Multiple women report that a male is “making them uncomfortable” and behaving strangely
- Employee notifies campus PD they recently obtained a protection order for their estranged spouse
- Student employee has been frequently late or absent from work and has visible bruising on multiple occasions

# INFORMATION TITLE IX SHOULD SHARE WITH BIT

- Reports of threats or engagement in violence, stalking, harassment, etc.
- Concerns discovered related to student's function, well-being, needs for support, etc.
- Supportive Measures
  - No-contact orders
  - Housing assignments and restrictions
  - Classroom or class work modifications
  - Restrictions to areas of campus/specific activities
  - Interim suspensions
- Informal/formal resolutions, sanctions, remedies, pending criminal investigations

# INFORMATION BIT SHOULD SHARE WITH TITLE IX

- Reports that contains components of sex/gender-based harassment or discrimination
- For shared reports, the initial referral information and other collateral information gathered
- For shared reports, the assessment results related to Risk Rubric, SIVRA-35, or Violence Risk Assessment of the Written Word (VRAWW)
- Intervention and support plan
  - Case management action
  - Referrals that are made
  - Academic supports
  - Housing, food, financial support
  - BIT's plan to follow up

# IF TIX JURISDICTION IS NOT PRESENT/VRA IS NOT REQUIRED

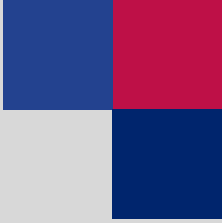
- Behavior could still violate policy and be addressed under:
  - Institutional harassment/discrimination policies
  - Student Handbook/conduct policies
  - Technology/Acceptable Use policies
  - Employee Handbook/conduct policies
  - Professionalism standards
- Institution should still take steps to:
  - Provide support and resources to the Complainant and campus community
    - Address any “downstream effects”

# IF TIX JURISDICTION IS NOT PRESENT/VRA IS NOT REQUIRED (CONT.)

- Determine if there are patterns or institutional variables that contributed to the alleged incident(s)
- Take what action it can (e.g., trespass the person)
- The BIT process should still be engaged to address the behavior/impact through assessment and intervention.

# OBJECTIVE VRA

- If there is a need to initiate a VRA as part of the Emergency Removal process, the Title IX Coordinator should mandate a VRA and notify the Respondent in writing of the obligation to comply promptly.
- The Title IX Coordinator should notify the BIT and should provide documentation to the BIT regarding the incident(s) and/or behavior(s) that required a VRA referral.
- If the Respondent is not inclined to fully cooperate with the VRA, the Respondent should be referred to the student conduct office for failure to comply.



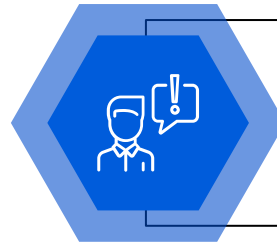
# VRA OVERVIEW

- Types of Assessments
- Components of an Effective Violence Risk Assessment
- Who Should Conduct a VRA?

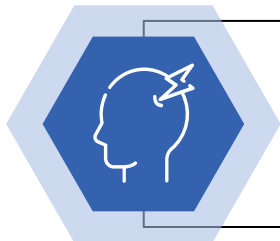
# TYPES OF ASSESSMENTS



General Risk  
Assessment



Threat  
Assessment



Psychological  
Assessment



Violence Risk  
Assessment

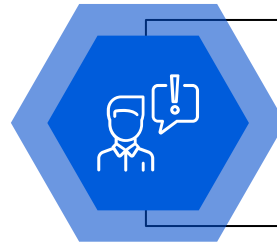


# TYPES OF ASSESSMENTS



## General Risk Assessment

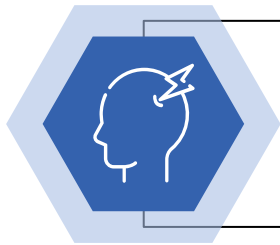
- Broadly utilized for a variety of situations and concerning behaviors
- Focuses on proactive approach, with interventions to lower risk and ease distress



## Threat Assessment

- Completed in response to explicit or veiled threat
- Focuses on details of threat, actionability and crisis response
- Often limited to determining likelihood of violence as related to specific threat

# TYPES OF ASSESSMENTS



## Psychological Assessment

- Conducted by a trained, licensed clinician
- Focuses on determining diagnosis and treatment plan such as therapeutic intervention, medication, hospitalization, etc.



## Violence Risk Assessment

- Focuses on determining potential violence or dangerousness toward a person, group or system
- Explores various risk factors and protective elements in comprehensive manner
- Not predictive, but rather an estimate of the factors that make it more or less likely the individual will engage in violence.

# DEVELOPING A VIOLENCE RISK ESTIMATE



Holistically gather background information, exploring all aspects of the person

Use an objective tool in a 1:1 interview to mitigate bias and ensure consistency

Consider factors that increase AND reduce risk – how do they balance out

Evaluate the context in which the dangerous or threatening behavior occurred

# GATHERING BACKGROUND



## Incident Report

Referral or incident report detailing current events that prompted VRA



## Relevant BIT/ Conduct History

Background information from BIT, case management, conduct, or other disciplinary files



## Collateral Sources

Information from parents, advisors, professors, etc.

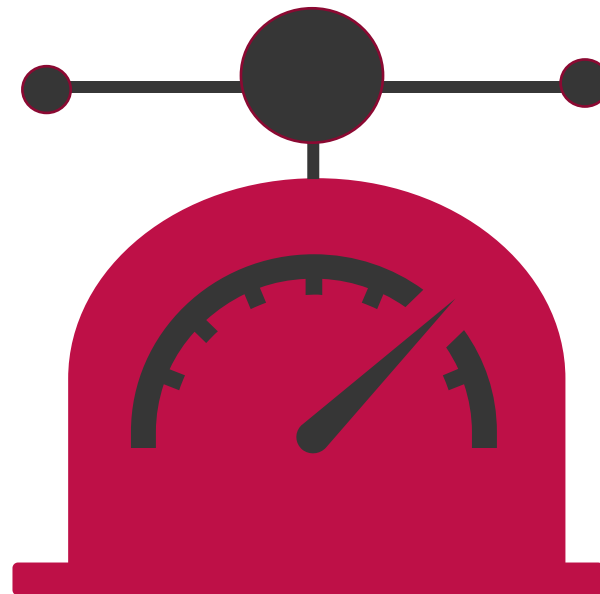
# USE AN OBJECTIVE TOOL

- An objective tool allows the assessor to rely on standardized, research-based risk factors
- Mitigates bias and subjectivity
- Examples of Objective Tools:
  - WAVR-21
  - HCR20
  - SIVRA-35

# WEIGH RISK AND PROTECTIVE FACTORS

## Protective Factors

- Elements that mitigate an individual's likelihood of engaging in violence



## Risk Factors

- Elements that increase an individual's likelihood of engaging in violence



# RISK FACTORS

# SIVRA-35

## NABITA Assessment Tool

### Critical Items:

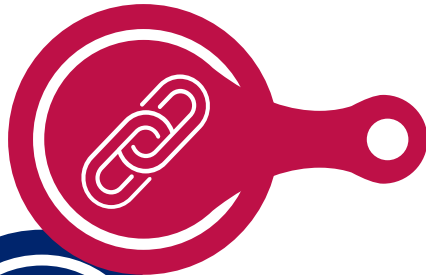
1. Direct threat to person/place/system.
2. Has tools, plans, weapons, schematics
3. Fantasy rehearsal.
4. Action plan or timeframe to attack.
5. Fixated/focused on target.
6. Grudges/injustice collector.
7. Pattern of negative writing/art.
8. Leakage/warning of potential attack.
9. Suicidal thoughts with plan.
10. Persecution/victim mindset.
11. Last act behaviors.
12. Confused thoughts/hallucinations.
13. Hardened point of view.
14. No options/hopeless/desperate.
15. Drawn or pulled to action.
16. Recent break-up or stalking.
17. Defensive/overly casual interview.
18. Little remorse or bravado.
19. Weapons access or training.
20. Glorifies/studies violence.
21. Disingenuous/externalize blame.
22. Acts superior/lacks empathy.
23. History of impulsive risk-taking.
24. History of conflict (authority/work).
25. Extreme poor frustration tolerance.
26. Trouble connecting/lacks trust.
27. Substance abuse/acting out.
28. Serious mental health Issues.
29. If serious MH issue, not in care.
30. Objectification of others.
31. Sense of being owed.
32. Oppositional thoughts/behaviors.
33. Evaporating social inhibitors.
34. Overwhelmed from loss (e.g., job or class).
35. Drastic behavior change.





# PROTECTIVE FACTORS

# PROTECTIVE FACTORS



Social  
Connection

Friends, family,  
mentors, religion



Perspective  
Taking

Ability to pause and  
reflect on situation



Professional  
or Academic  
Engagement

Goals and/or  
responsibilities



Non-violent  
Outlets

Therapy, art, writing

# SIVRA-35

## NABITA Assessment Tool

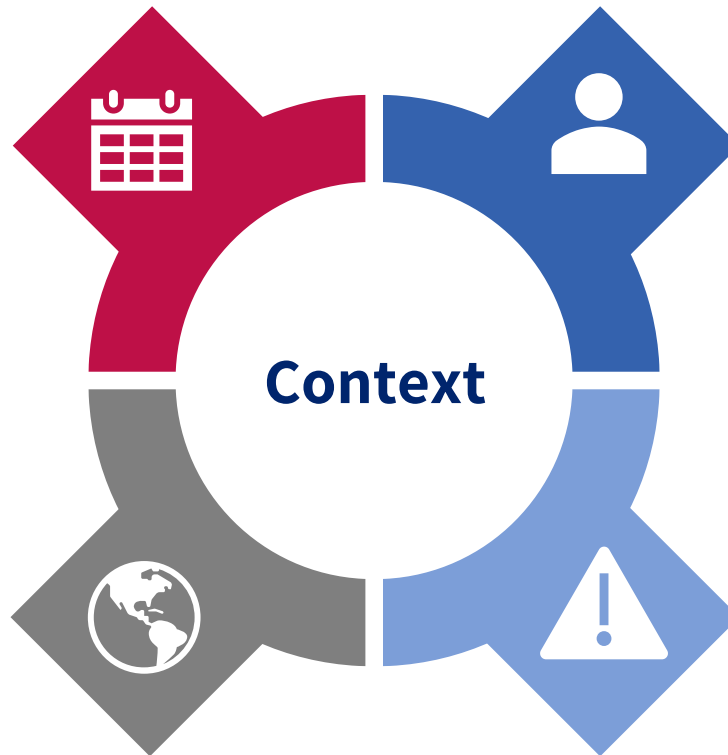
### Protective Items:

1. Direct threat to person/place/system.
2. Has tools, plans, weapons, schematics.
3. Fantasy rehearsal.
4. Action plan or timeframe to attack.
5. Fixated/focused on target.
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35. Drastic behavior change.

# CONSIDER THE CONTEXT

## Precipitating Events

What might have precipitated the behavior or threat?



## Individual

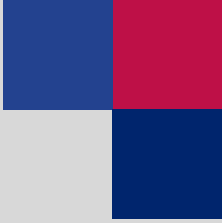
What do we know about the individual and their baseline behavior?

## Cultural

What cultural factors might be at play?

## Content

What type of threat has been made?



# VRA PROCESS

Process for issuing VRA as part of emergency removal consideration

# CONDUCTING A VIOLENCE RISK ASSESSMENT



## WHEN

When you need more information related to whether the Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment.



## WHO

- Anyone on with adequate training and knowledge.
- Someone with the ability to gather information and build rapport.
- Case managers, clinicians, conduct, tend to be good at it.

# WHO SHOULD CONDUCT A VRA?

- No specific educational degree required
- Required training and expertise in using an objective risk assessment tool
- Competency in:
  - Conducting a VRA
  - Gathering information
  - Building rapport
  - Cultural issues

# TITLE IX VRA PROCESS

Report received by Title IX Coordinator



Title IX Coordinator completes *Title IX VRA Referral Protocol*



Title IX Coordinator refers to BIT/appropriately trained entity for VRA



Assessor completes VRA



Assessor sends VRA results to Title IX Coordinator

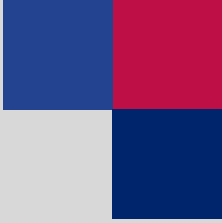


Title IX Coordinator evaluates results to determine appropriateness of Emergency Removal/other supportive measures



# LEVERAGING COMPLIANCE AND PARTICIPATION

- Adopt a position of care, safety, and collaboration
- Be transparent – explain the process and how the results will be used
- Deliver the mandated assessment letter in person
- Offer a warm introduction to the assessor
- Use rapport building techniques and effective questioning techniques to facilitate participation during the interview



# VRA RESULTS

- Report Contents
- Using Results to Inform Decisions
- Considerations When Results are Challenged

# VRA TOOLS

## SIVRA-35

NABITA Assessment Tool 



- **10x** NABITA Risk Rubric
- **25x** VRAWW
- **50x** Structured Interview for Violence Risk Assessment (SIVRA-35) and Non-Clinical Assessment of Suicide (NAS)

# SIVRA-35

## NABITA Assessment Tool

1. Direct threat to person/place/system.
2. Has tools, plans, weapons, schematics.
3. Fantasy rehearsal.
4. Action plan or timeframe to attack.
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31. Sense of being owed.
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33. Evaporating social inhibitors.
34. Overwhelmed from loss (e.g., job or class).
35. Drastic behavior change.

# SIVRA-35 SCORES: LOW (0-20)

- Scores in the **0-9 range** indicate individual distress, personality conflicts, abrasive social interactions, oppositional beliefs, and possible mental health concerns.
- Scores in the **10-20 range** indicate the presence of concerning or aggressive behaviors without the evidence to suggest an intent or plan to harm a target.
- Interventions should include:
  - Direct services aimed at increasing distress/frustration tolerance and impulse control
  - Case management
  - Connection to resources
  - Reduction of risk factors and increase of protective factors

# SIVRA-35 SCORES: MEDIUM (21-40)

- Scores in this range indicate the presence of a plan and/or a set of behaviors, attitudes, or personality traits that could lead to future violence.
- The BIT should work directly with the student to reduce the risk factors that prompted the score in this range, as well increase the individual's protective factors and connections to non-violent, positive social outlets.
- The BIT should work directly with the potential target/victim, and other parties impacted by the student's behavior to safety plan and provide support.
- The BIT should coordinate with conduct and law enforcement on their determined conduct/legal responses and assist in coordinating appropriate safety measures: restrictions, no-contact orders, academic/housing changes, interim suspensions, etc.

# SIVRA-35 SCORES: HIGH (41-70)

- Scores in the high range indicate that the individual has made a direct threat and has the means and/or intent to carry it out.
- The assessor may need to immediately contact law enforcement regarding the potential threat and/or an individual qualified in the state to conduct an evaluation for a behavioral health hospitalization.
- The BIT should convene an emergency meeting to facilitate collaboration on safety measures, interim suspension, hospitalization and/or arrest.
- The BIT should work directly with the potential target/victim, and other parties impacted by the student's behavior to safety plan and provide support.
- Efforts should be made to notify and work with those who can help mitigate the risk (parents/guardians, extended family, other supports).

# REPORT CONTENT

- Identify the overall VRA score
- Highlight the risk and protective factors

## Example Report:

Risk/Protective Factor	Presence (Yes/No/Partially)	Notes
1. Direct threat to person/place/system.	Yes	The interviewee stated via text message that he would kill the target if they reported the alleged abuse to the institution. Interviewee reports that they would never follow through with these statements.
3. Fantasy rehearsal.	No	The interviewee reports no drawings, writings, verbal communications or thoughts about harming others. No additional information collected indicates the presence of such material.
9. Suicidal thoughts with plan.	Partially	The interviewee reports passive suicide ideation, but has not plans, intention, or means.



# VRA RESULTS: HOW ARE THEY USED?

- VRA scores guide the Title IX and/or BIT interventions
- BITs **DO NOT** use the VRA score to indicate or recommend whether a student should be suspended, remain on campus, or remain enrolled
  - These decisions lie within the student code of conduct or Title IX process
  - Although VRA scores can inform these procedures, the student's behavior must warrant a separation or restriction under either the code of conduct or Title IX
    - Interim or permanent suspension or expulsion
    - Emergency removal under Title IX

# USING RESULTS TO INFORM DECISIONS

- Where is the location of the risk?
- Who is at risk?
- What is the level of risk?
- What is the appropriate interim action based on the risk level?
  - Emergency Removal?
  - Other supportive measures?

# SUPPORTIVE MEASURES

- Provided to all parties throughout the process:
  - Non-disciplinary, non-punitive
  - Individualized
  - Restore or preserve equal access
  - Without unreasonably burdening other party
  - Protect safety of parties or environment, or deter sexual harassment
- If supportive measures not provided, document why not.

# COMMON SUPPORTIVE MEASURES

- Referral to counseling or other health services
- Referral to the Employee Assistance Program
- Visa and immigration assistance
- Community or community subgroup education
- Altering housing situation (if applicable)
- Altering work arrangements for employees
- Safety planning
- Providing school safety escorts
- Transportation accommodations
- Implementing contact limitations (no contact orders)
- Academic support, extensions of deadlines, or other course-related adjustments
- Trespass or Be on the Lookout (BOLO) orders
- Emergency notifications
- Increased security and monitoring of certain areas

# EMERGENCY REMOVAL CHALLENGES

- The Respondent must be allowed to challenge the parameters of an Emergency Removal and/or other supportive measures that restrict the Respondent
- The Recipient may allow the Complainant to challenge the parameters of an emergency removal and/or other supportive measures
- Recipients will need to determine who will hear and decide challenges to an Emergency Removal/supportive measures while avoiding conflicts of interest for those involved in the investigation and/or resolution process

# EMERGENCY REMOVAL CHALLENGES (CONT.)

- Often, these challenges will take the form of a “show cause meeting” or a review of documents/written statements
- This review is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the Emergency Removal/supportive measures are appropriate

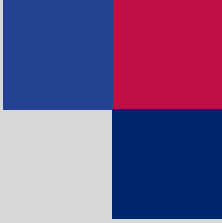
# CONSIDERATIONS WHEN RESULTS ARE CHALLENGED

- Respondents and Complainants may be accompanied by an Advisor of their choice when meeting for a show cause meeting
  - The Complainant may be permitted to participate in this meeting (in-person or via video conferencing) if the Title IX Coordinator determines it is equitable to do so
- The Administrator should have sole discretion under the policy to implement or stay the emergency removal/supportive measures and to determine the conditions and duration
- Violation of an emergency removal/supportive measures under institutional policy will be grounds for discipline within the student conduct processes, which may include expulsion

# CONSIDERATIONS WHEN RESULTS ARE CHALLENGED (CONT.)

- Written notice of the outcome of the show cause meeting should be provided, and the Respondent and Complainant (if applicable) should not assume or act as though any modifications have been made to the terms of the Emergency Removal until such notice is received
- Notification of the outcome is final and cannot be appealed





# CASE STUDY APPLICATION

# WES REFERRAL AND BACKGROUND

## **First Referral: Received Tuesday from the Residence Director:**

At approximately 4:45pm, two residents came to my apartment expressing concern. They stated they were concerned for their safety because of another resident who just moved in, later identified as Wes. The residents state they overheard Wes tell his orientation leader that he wanted to “lose [his] virginity and if [he] couldn’t by the end of his freshmen year, [he] would have to rape someone.” One of the residents said he had a personal conversation with Wes about this and he confirmed saying it. During that same conversation, Wes expressed that he “lingered around after hours in the community” because it was “watching hours.” When asked what he meant by that, he said it was a “good time to watch all the women come back to the residence hall from the bars.”

# WES REFERRAL AND BACKGROUND

## **Second Referral: Thursday morning from an anonymous source:**

I met Wes in the dining hall the first week of classes. He was holding on to a go-pro camera and I asked him what he was going to do with that. He said he was going to record “all the ladies around.” Then, the other day, Wes was in the dining hall playing music on the app and it shows up on the big screen with the name of the song and who requested it. I saw his profile photo was Elliot Rodger, who I know was that school shooter. I asked him why he would pick his profile pic to be that, and he said he “really relates to this guy.” He said that he reads his really long manifesto all the time and the two of them have a lot in common. I asked if he wanted to shoot up a school or what he meant and he replied, “No I don’t want to hurt anyone. We just both have confusing identities and backgrounds. We’re both on the spectrum.”

# WES REFERRAL AND BACKGROUND

## Second Referral (Cont.)

Since meeting him, he has made a lot of comments that scare me. I saw him the other day and asked him how he was doing, and he said, “Not doing good. I want to die.” So, I said, “Oh that’s not good, why do you want to die?” Then he just looked back at me and smiled – it was really weird. Another time he said, “I just want to go buy a shotgun and shoot myself. I just want to die.”

That was a really specific comment, so I asked him about it, and he said he wasn’t looking forward to anything in life. He said didn’t like his classes, said his siblings are cunts, that he has no friends, and doesn’t like his parents. He just said he doesn’t like anything but that since he doesn’t know how he could get a shotgun, he guessed he would just go on living. He did say he likes rock climbing and parkour. He tried the rock climbing club but said he has chicken arms, and they gave out and other people laughed.

# WES REFERRAL AND BACKGROUND

## Second Referral (Cont.)

Me and my friends all talked about it and think he needs serious help. It seems odd that he goes out of his way to tell us this stuff and we don't know what to do.

# CASE STUDY APPLICATION

- Do you refer for a VRA?
- What score do you get on the *Title IX VRA Referral Protocol*?

# WES REFERRAL AND BACKGROUND

## **Third Referral: Received Friday Morning from the Residence Director (Cont.)**

At approximately 8:00am, three female residents (listed in report) came to my apartment visibly upset (i.e., tearful, physically shaking). The three residents stated they were scared because another resident, later identified as Wes, “freaked them out last night.”

The residents stated that they were coming back from the bar district last night (around 1:00am Friday morning) when they noticed Wes walking behind them. The residents stated that they began walking faster, but Wes also picked up his pace so that he could keep up. As the residents got closer to the door to the residence hall, Wes caught up with them and asked them if they were drunk and wanted to hang out.

# WES REFERRAL AND BACKGROUND

## Third Referral (Cont.)

The residents shared that they all told Wes to leave them alone and quickly entered the residence hall. The three residents shared that Wes followed them all the way to the elevator repeating his questions a few times. The residents stated that they did not let Wes on the elevator and that they did not see him again after the elevator doors closed.



# WES REFERRAL AND BACKGROUND

## Fourth Referral: Friday afternoon from Sarah

I am not sure if this is the best place to submit this report, but I need some help. Last night I went out with some friends in the bar district and stayed out pretty late. I do not know when I came home, but I know I did not stay at the bars until closing time. When I got back to my dorm a guy that also lives in my dorm came up to me out of nowhere and asked me if I was drunk and wanted to hang out. I knew his name was Wes because we had met a few times, but only in group settings. A lot of people say he is creepy, but I haven't ever really interacted with him. I told Wes that I was a little drunk but that I could hang out for a few minutes if he wanted to. I wasn't really sure what else to say... I told Wes that I was going to go to my room to change, but that I would come back and meet him in the lobby in a few minutes.

# WES REFERRAL AND BACKGROUND

## Fourth Referral (Cont.)

As I was keying into my room, I realized that Wes had followed me down the hallway and was behind me. Wes asked if he could use my restroom really quickly and I said, “I guess so, but then we can head back to the lobby.”

I changed and sat down on my bed while Wes used the restroom. When Wes came out of the bathroom, he immediately sat next to me on my bed without asking for permission and just stared at me... I told Wes that I thought we should go back to the lobby. Out of nowhere Wes said, “You are very pretty,” and kissed me. I pushed against his chest with my hands and tried to say, “No!” Wes grabbed my wrists and held them for a few seconds before I broke one free and hit him on the side of his head.

# WES REFERRAL AND BACKGROUND

## Fourth Referral (Cont.)

After I hit him, he stopped, and I got up and moved away from him. I told him to get the fuck out of my room or I was going to scream. Wes then quickly ran out of my room. I stayed up crying all night because I was freaked out and wasn't sure what to do. My friend I spoke to this morning told me about this reporting form so I thought I should let someone know.

# CASE STUDY APPLICATION

- Do you refer for a VRA?
- What score do you get on the *Title IX VRA Referral Protocol*?

# SIVRA INTERVIEW SUMMARY

Wes is called into the case management office on campus for a required appointment to complete a VRA (the SIVRA).

Wes arrived on time for his appointment. In order to ensure safety, a plain clothes university police officer was present in the office lobby.

During the interview the case manager discussed the referrals submitted. Wes expressed that the statements he made were a joke. He repeatedly said that he did not understand why “everyone would be so concerned by this.” He stated he did not see how what he did was any different than any other college student.

# SIVRA INTERVIEW SUMMARY (CONT.)

His mood shifted at several points during the assessment, going from being antagonistic and defensive to being dysphoric and crying. Initially, when asked if he would reach out if he was feeling like hurting himself or others, he looked at the case manager, smiled and said, “No that’s when you’d get caught.”

Later, he began crying and saying he wanted to go home and leave the university because he felt school was too challenging for him but felt he was unable to do so because his family was so proud of him for being in school. He admitted to feeling suicidal two weeks prior after failing a chemistry test.

At that time, he reported having thoughts of wanting to grab an officer’s firearm and shoot himself with it. He states he does not have access to any firearms. He has not made any attempts to obtain a firearm presently and has no desire to own a gun himself.

# SIVRA NARRATIVE (CONT.)

Regarding any prior history of violence, he reports getting into “scuffles” with his siblings when he was younger but states no one was ever seriously injured. He reports that he would only start fights with his siblings when he was being antagonized. He denies any school suspensions or disciplinary actions against him. Conversations with his mother confirm this report.

When asked about how he tends to resolve conflicts with others he says he doesn’t usually do anything except post about them on reddit to vent to people that understand him. He reports that he would only engage in violent behaviors “only if someone got violent with me.”

# SIVRA NARRATIVE (CONT.)

When asked further about his comment that he would have to rape someone if he did not lose his virginity, Wes said, “Well I wouldn't ‘rape rape’ them...like, I wouldn’t beat them up or drug them or anything. But yea, I’d go for a girl that is really drunk or alone or crying or something like that because they are more likely to have sex with me.”

Discussed the incident with Sarah with Wes. He reiterated that he thought that is what college students did. Wes described his relationship with Sarah as positive but admits that they do not know each other well and have never hung out alone.



# SIVRA NARRATIVE (CONT.)

When asked about social support, Wes became visibly irritated. He spoke at length about how people don't understand him and think he is weird. He believes he is "the normal one" and the rest of society just conforms to the masses and has no idea what it means to a person. Wes detailed a history of friends and family members that have proven that they will never understand him and are not worthy of being his friend.

He reports posting on an online community for "incels" often but states, "I mostly just troll there. I don't have any real friends there either. We just talk shit together." Explored his connection to the incel groups online and Elliot Rodger. Wes explained that he "understands" Elliot Rodger in that like him, Rodger had no friends and that everyone thought he was stupid and weird.

# SIVRA NARRATIVE (CONT.)

Wes says he posts on the incel groups because he too hasn't had sex yet and mostly because women are too cowardly to recognize a good man when they see one. Wes reports that Sarah's reaction to his kiss is further proof that women hate him.

Wes identifies several times in his life where he has tried to approach women but has not had success. He described in detail how the women rejected his advances and spoke of the encounters with resentment and anger, despite many of them happening several years in the past.

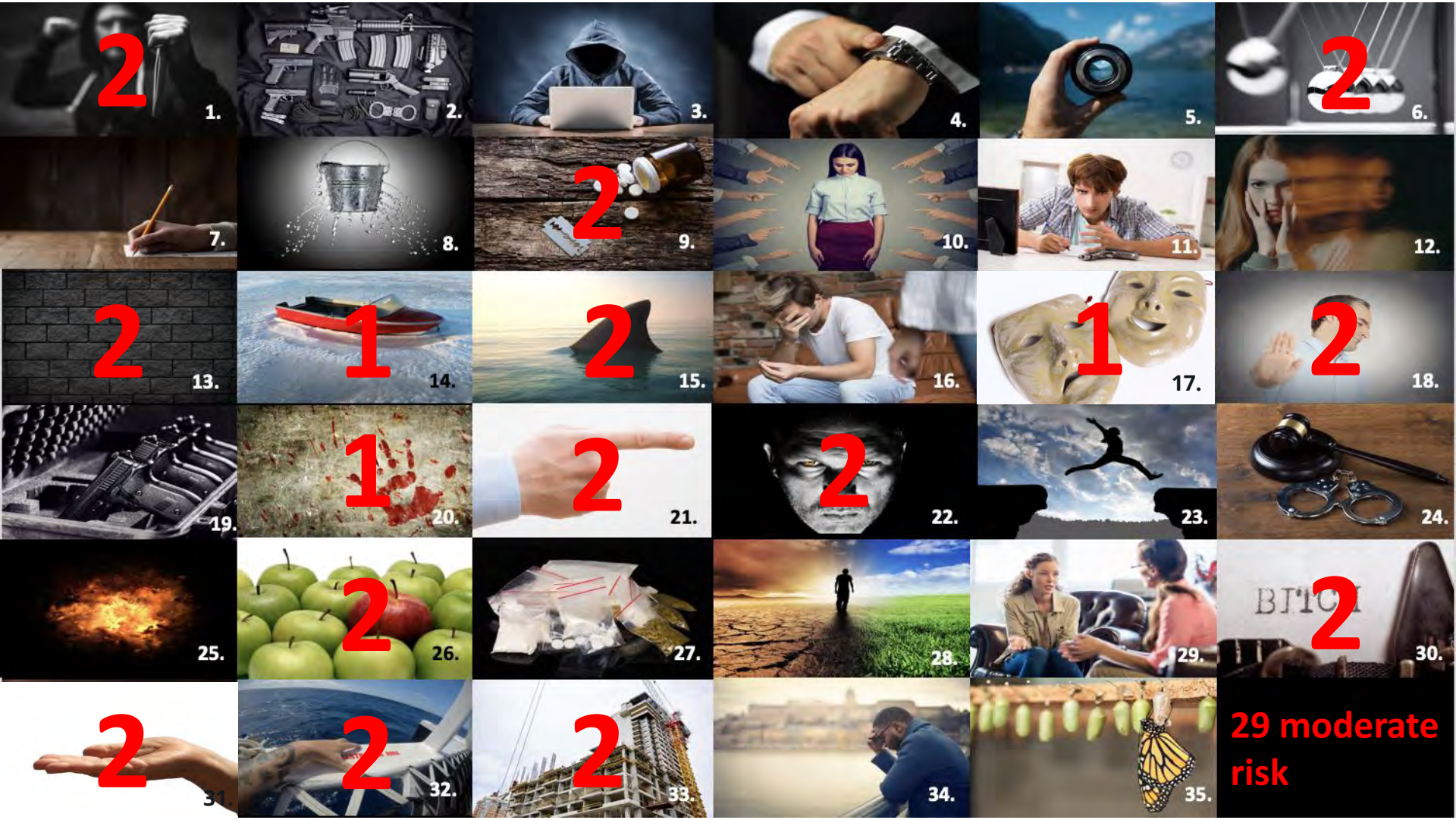
Wes explained that even though he has no real friends on the incel groups, he does feel like sometimes they are the only ones that think like him.

# SIVRA NARRATIVE (CONT.)

Wes reports no engagement with alcohol or other substances/drugs.

He reports that he got a bike recently and feels he has had more positive social interactions since this time. Despite this, he is not able to identify a single friend or support system either on campus or in the community. Wes reports he tried a rock climbing club on campus but felt discouraged after others were making comments about his body and saying he wasn't any good at rock climbing.

He states during the appointment that he is willing to work with a case manager on getting him connected to other resources and social groups as well as working with the office on managing his course load and getting his academics to a better place.



29 moderate risk

# SIVRA-35

NABITA Assessment Tool 

## 1. Direct threat to person/place/system.

2. Has tools, plans, weapons, and/or schematics.
3. Fantasy rehearsal.
4. Action plan or timeframe to attack.
5. Fixated/focused on target.

## 6. Grudges/injustice collector.

7. Pattern of negative writing/art.
8. Leakage/warning of potential attack.

## 9. Suicidal thoughts with plan.

10. Persecution/victim mindset.
11. Last act behaviors.
12. Confused thoughts/hallucinations.

## 13. Hardened point of view.

## 14. No options/hopeless/desperate.

## 15. Drawn or pulled to action.

16. Recent break-up or stalking.

## 17. Defensive/overly casual interview.

## 18. Little remorse or bravado.

19. Weapons access or training.

## 20. Glorifies/studies violence.

## 21. Disingenuous/externalize blame.

## 22. Acts superior/lacks empathy.

23. History of impulsive risk-taking.
24. History of conflict (authority/work).
25. Extreme poor frustration tolerance.

## 26. Trouble connecting/lacks trust.

27. Substance abuse/acting out.
28. Serious mental health Issues.
29. If serious MH issue, not in care.

## 30. Objectification of others.

## 31. Sense of being owed.

## 32. Oppositional thoughts/behaviors.

## 33. Evaporating social inhibitors.

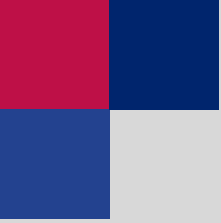
34. Overwhelmed from loss or stress
35. Drastic behavior change.

# RESPONSE TO WES

What would you do?

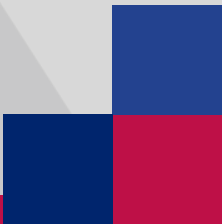
Examples of potential supportive measures:

- Altering housing situation
- Temporarily trespassed from campus (granted access to courses online)
- Safety planning
- Implementing contact limitations between the parties
- Academic support, extensions of deadlines, or other course-related adjustments
- Increased security and monitoring of certain areas



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**Questions?**



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**Thanks for joining us today.**

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