Threat Assessment and Behavior Interventions for Sexual Misconduct

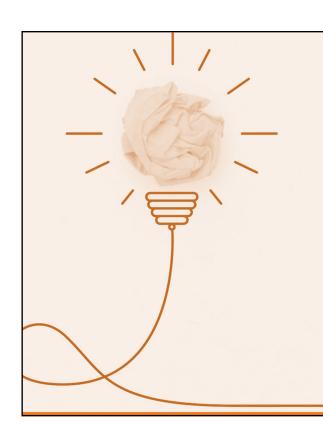
Krista Anderson, Systemwide Title IX Coordinator

Fall 2023



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Agenda

- 1. Triage & Case Mgt
- 2. Threat Assessment Tools
- Title IX & Behavior Intervention Teams: Reporting & Interventions
- Documentation & Record Keeping

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Types of Concerning Behavior Sexual Harassment Dating or or Sexual Sexual Violence Stalking Domestic Violence Misconduct Disruptive or Suicidal Ideation Sexual Exploitation Hospitalizations Interfering or Threats Conduct **Homicidal Ideation** Property Damage or Threats THE UNIVERSITY of TEXAS SYSTEM

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?

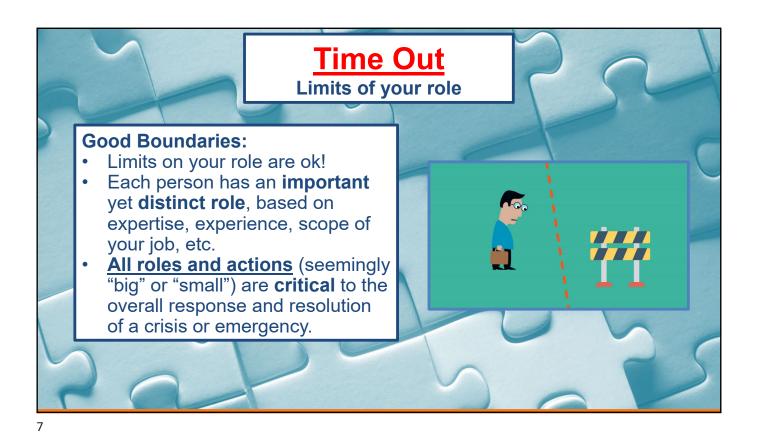
Level of Concern?
Threat Level?

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Other Required Action?

Other Regarda / tetteri:		
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	





Crisis/Threat Continuum

LEVEL OF CONCERN

MILD

MODERATE/ESCALATING

CRITICAL

DEVELOPING

- 1st time behavior is reported
- Situational & environmental stressors emerging
- Difficulty managing emotions
- Quick change in disposition or behavior
- Others may feel discomfort or experience disruptions

EMPLOWERING THOUGHTS

- Hardened perspective
- Catalyst event
- Lack of empathy toward others, projecting insults or defensiveness
- No threats of violence

OVERAL

- Struggling, not fitting in
- Lacking connection with others
- Socially isolated, alienating themselves
- Minor bullying/teasing toward others

DETERIORING

- Continuation (persistence) of mild-level behaviors
- Verbally harassing, disruptive, aggressive, or stalking behaviors
- Very poor personal & mental self-care
- Troubling or suicidal thoughts, suicidal talk, selfinjuries, and/or substance abuse
- Vague, indirect threats of violence toward self

ELABORATION OF THREAT

- Fixation/focus on person or group
- Objectification of others
- Vague, indirect threats of violence
- Threats likely escalate, more specific, targeted repeated toward target(s)

OVERALI

- More aggressive speech and disruptions, multiple incidents or concerns reported (pervasive)
- Brief, limited altercations (e.g. pushing)
- Others may feel threatened, but the threats lack depth or substance

DECOMPENSATING

- Actively dangerous, life-threatening behaviors (toward self or others)
- "Last act" behaviors, free fall
- Direct, substantive threats of violence

CRITICAL

- Moving toward attack plan
- Desperate, "all or nothing" mentality
- Research, access to lethal means
- Credible threat
- Leakage before an attack
- Weapons present or exposed

OVERALL

 Very serious & imminent risk of suicide attempt, life-threatening self-injury, and/or violent attack toward others

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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 <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

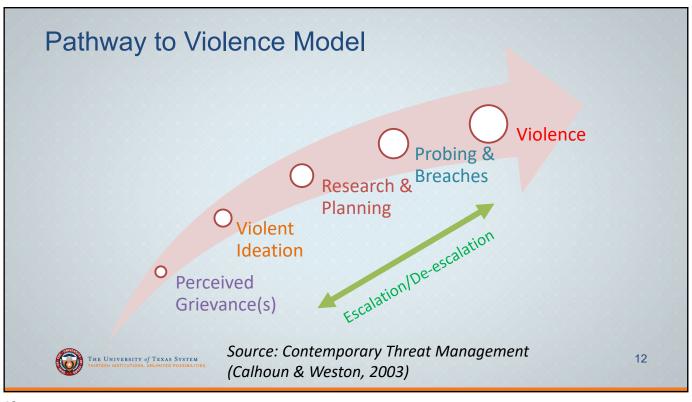
Macro-Analysis – Level of Threat

- Assess & contextualize the known risk factors
- Examine the totality of the circumstances
- Identify unknown areas for probing



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Risk Factors for Targeted, Premeditated Violence (Cont.)



Timeframe for Planned Violence



Access to Means & Weapons



Leakage of Plan



"Last Act" Behaviors



Source: Culturally Competent Threat Assessment, International Alliance for Care & Threat Teams (InterACTT) (2022)

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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.

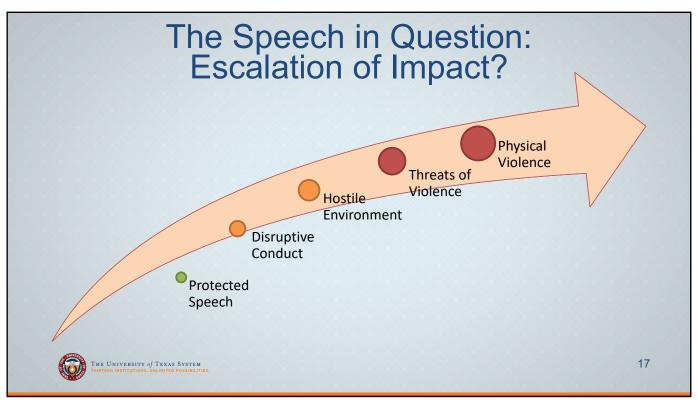


Example Tactics of Howlers:

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)





Transient Threats

- Statements that do not express a lasting intent to harm themselves or someone else
- "Figure of speech" or short-term feelings
- Impulsive or reactionary
- "Howlers" typically engage in transient threats



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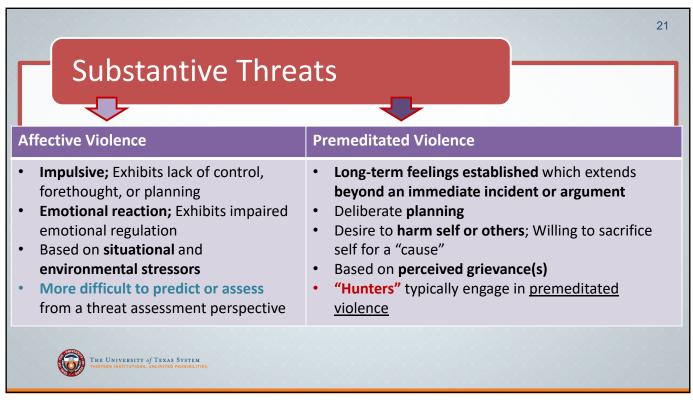
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Substantive Threats

 Statements that express a credible and/or continuing threat to harm themselves or someone else

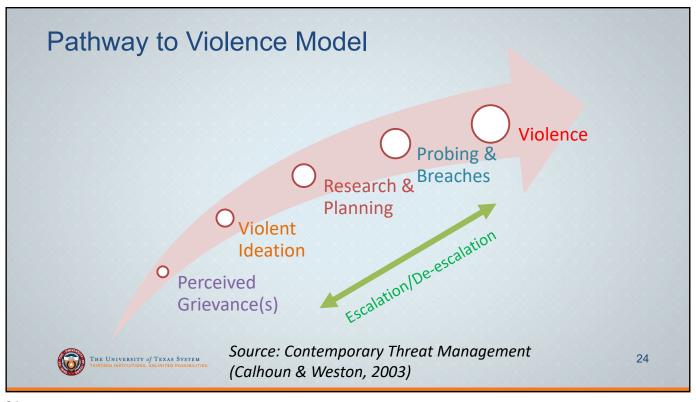


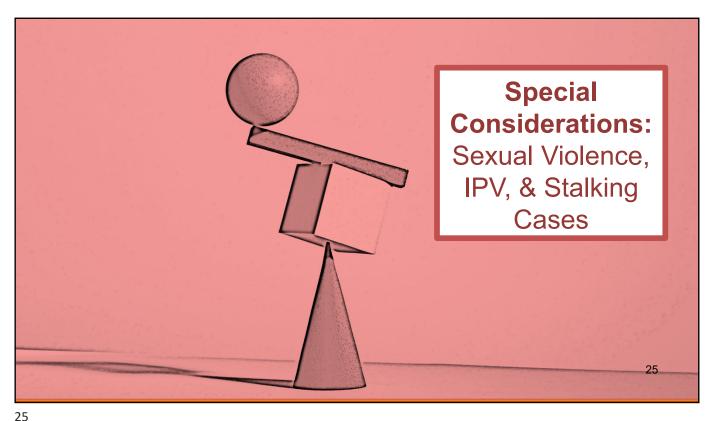
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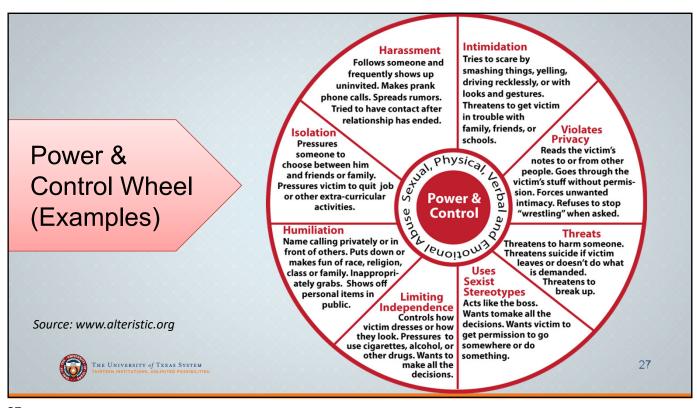


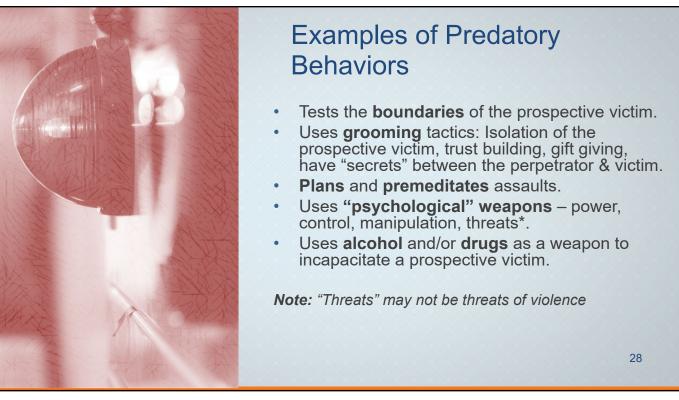




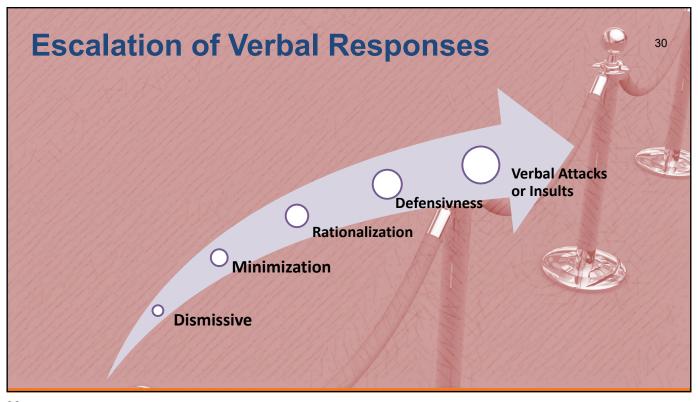


Common Considerations: Indicators of power & control Presence or threat of a weapon History of dating or domestic violence **Determining** Aggressive or hostile body language **Predominant** Pre-existing protective orders or "no Aggressors contact" directives Comparative extent of injury (if both are injured) **Property** damage Elements of fear Source: 26 The National Center for Campus Public Safety

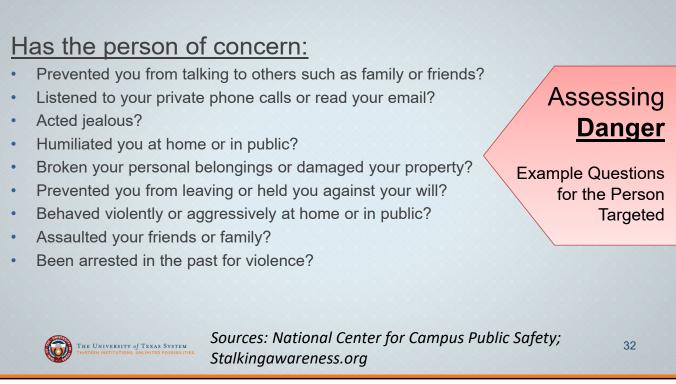




Type of Response	Example Statements	
Dismissive	 I <u>never</u> said/did that. <u>Your</u> memory is bad. I don't remember it that way. 	 That didn't happen. [or] That's not what happened. I have no idea what you are talking about.
Minimizing	 It's <u>only</u> a joke. [or] It's not that bad. We're <u>just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







Assessing Lethality

Example Questions for the Person Targeted

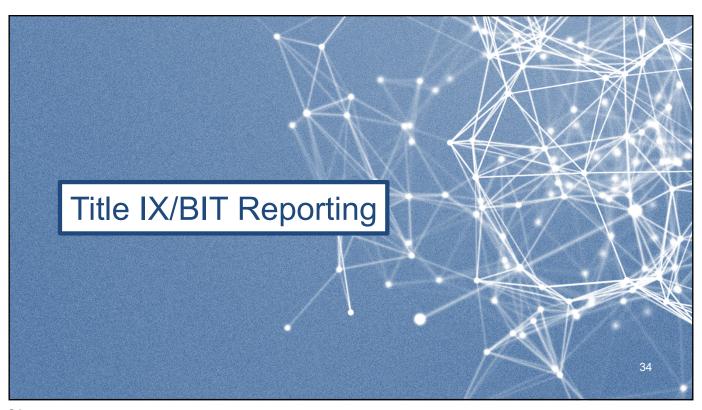


- Have access to a weapon, and/or threatened to use a weapon?
- Threatened to harm or kidnap your children?
- Threatened to kill you, themselves, or others?
- Harmed your pet(s)?
- Been abusing alcohol or drugs?
- Stalked or followed you? Showing up unannounced?
- Forced confrontation(s) with you?
-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



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

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Reporting Information to the Title IX Coordinator

Title IX Coordinator should receive information about:

- Information or disclosures 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 relating to IPV



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Reporting Information to the BIT

BIT should receive information about:

- · Information or disclosures of wellness issues or basic needs not met
- Personal impacts: Decline in academics or mental health, financial instability, unsafe housing, social isolation, emotionally heightened
- Self-harm, suicidal ideation, or suicide attempts
- Disruptions, interruptions, or "acting out" in learning or working environments
- Bullying, teasing, or verbally aggressive toward others
- 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 Information Sharing - What & When?

Title IX Coordinator

Promptly, daily triage

BIT

Title IX Office should receive information about:

 Sexual violence, sexual assault, dating violence, domestic violence, stalking, or other sexual misconduct cases

BIT should receive information about:

- 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
- Bullying, teasing, or verbally aggressive toward others

May be applicable to Title IX Coordinator and BIT:

- 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 Example Interventions

- 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)
 - Admin Leave (Provost or HR)
- Refer to BIT (wellness or safety concerns)
- Collaborate with BIT on intervention strategies
- Contact police for emergency welfare check, close patrol, or other



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Examples of Supportive Measures Non-Disciplinary Counseling Class Extensions Housing & Non-Punitive or Adjustments Reassignment Services Measures... that do not Class Withdrawal Work or Class unreasonably Leave of Absence or Retake Modifications burden the other (w/o penalty) THE TR party No-Contact **Btwn Parties**

BIT Example Interventions

- Outreach to the person of concern
- Wellness meeting w/ person of concern
- Warm referrals to resources or support services
- Coordinate resources & support services
- engaging directly with the person of concern

Mitigate risk by

- Data mining & collaboration with w/ key campus stakeholders (advisors, faculty, supervisors, Dean of Students, etc.)
- Refer to Title IX (TIX reportable information known)
- Collaborate with Title IX
- Refer for Disciplinary Review/Action (including Interim Action considerations)
- Contact emergency contact(s) listed
- Call police for emergency welfare check, close patrol, or back-up
- Refer for a No Trespass Directive (non-affiliated visitors)

Elevated or High

Risk Levels



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Privacy & Confidentiality of Records

All records are treated with the greatest degree of confidentiality possible...

...With respect to the university's obligations to investigate allegations of sexual misconduct & take appropriate action in accordance with institutional policy.







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Who Needs-To-Know?	Example Information-Sharing & Rationales
Provost, Dean, Chair	Administrative leave, pending an investigation outcome
Advisors, Professors	Coordinating class modifications, alternative assignments or make-up exams, academic drops
Supervisor, HR Director	Work accommodations, flexible scheduling, remote work option, alternative supervision/evaluations
Campus Police	Emergency welfare check, threat assessment, close patrol escort services
Dean of Students, Behavior Intervention Team	Wellness issues, disruptive conduct, escalating conduct, self-harm or suicidal thoughts, threat assessment



Macro-Analysis – Level of Threat

- Assess & contextualize the known risk factors
- Examine the totality of the circumstances
- Identify unknown areas for probing



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Active Listening

- Goal: Provide the person a sense of feeling heard and understood
- Listener's Mindset: Open-minded, objective, & impartial
- Pay full attention to the person
- · Nodding, affirmative non-verbals
- Not interrupting; using silence
- Open-Ended Phrases
- Clarifying checks & validations:
 - Validating & emotional acknowledgements
 - Reflecting (mirroring/paraphrasing)
 - Summarizing
 - Restating



Active Listening: Examples 47			
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	 "Let me summarize to check my understanding [Repeat back] Did I get that right? 	 "[Repeat/rephrase what the other person said]Is this what you mean?" 	
Open-Ended Phrases	 "Tell me more about" "Explain/describe"	 "What do you mean when you say?" "Help me understand"	
Affirmative Comm	• "Yes" • "I see."	 "Go on." "Right."	



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
 - Reflecting (mirroring/paraphrasing)
 - Summarizing
 - Restating
- Avoid conflicts and stay <u>solution-focused</u>

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Motivational Interviewing: Crisis Mgt Example Prompts

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

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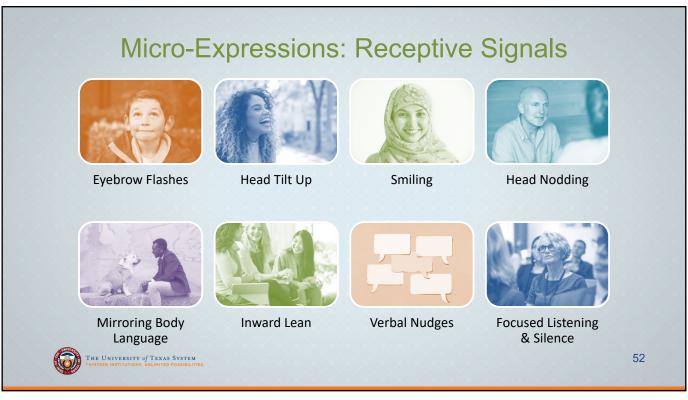
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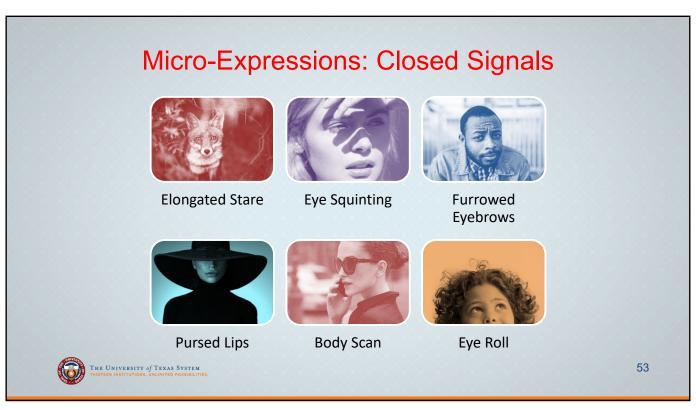
Motivational Interviewing: Other Considerations

- 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... If the person makes • Acknowledge the concern & attempt to finish the initial discussion 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 the subject... Then, use active listening to acknowledge the person's current concerns, emotions, and/or needs. • Try to <u>link</u> the person's concerns with the initial discussion topic. 51

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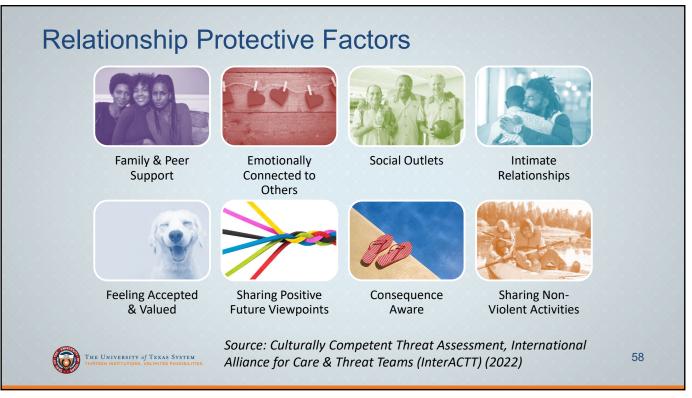


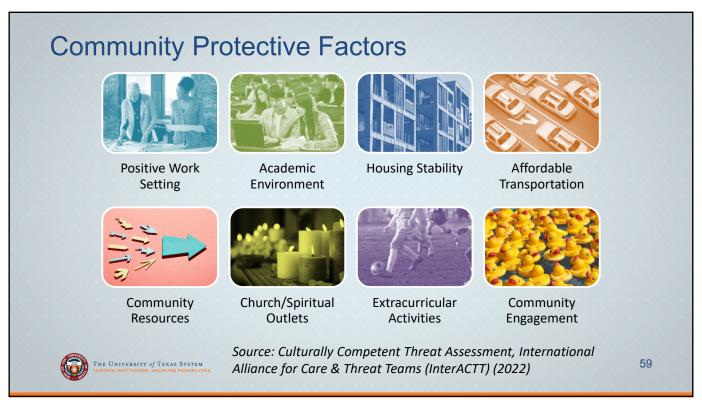














Best Practices for Title IX & BIT's

- 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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