

TITLE IX AND BIT WORKING TOGETHER, A CASE STUDY

DECEMBER 1, 2022



D·PREP

PRESENTERS:



COURTNEY BULLARD
ICS, CEO



JEFFREY SOLOMON
DPREP, NATIONAL DIRECTOR
OF SAFETY



DR. BRIAN VAN BRUNT
DPREP, CREATIVE DIRECTOR
SAFETY DIVISION

HOUSEKEEPING

- Virtual Environment
- Not Legal Advice
- Course Materials
- Recorded
- Higher Ed/K12
Application
- Chat bar/questions!



A CASE STUDY: TITLE IX AND BIT WORKING TOGETHER





CASE STUDY

Amelia reports to her teacher, Mr. Smith, that her boyfriend, Alec, slapped her across the face at school. Both Amelia and Alec are Juniors at No Name High School. Mr. Smith contacts the Title IX Coordinator for the district about the matter.

FORMAL TITLE IX GRIEVANCE

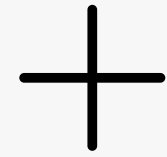


Intake by Title IX
Coordinator and
triage...

Does it fall within
definition of sexual
harassment/
program activity?



**TITLE IX SEXUAL
HARASSMENT**



**EDUCATION
PROGRAM/
ACTIVITY**



**TITLE IX FORMAL
GRIEVANCE
PROCESS**



SEXUAL HARASSMENT

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



An employee of the recipient conditioning the provision of aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct, or...



Unwelcome conduct determined by a reasonable person to be so severe, pervasive, AND objectively offensive that it effectively denies a person equal access to the recipient's education program or activity, or...



"Sexual Assault," "Dating Violence," "Domestic Violence," or "Stalking" as defined in the Clery Act.

Title IX Coordinator will....

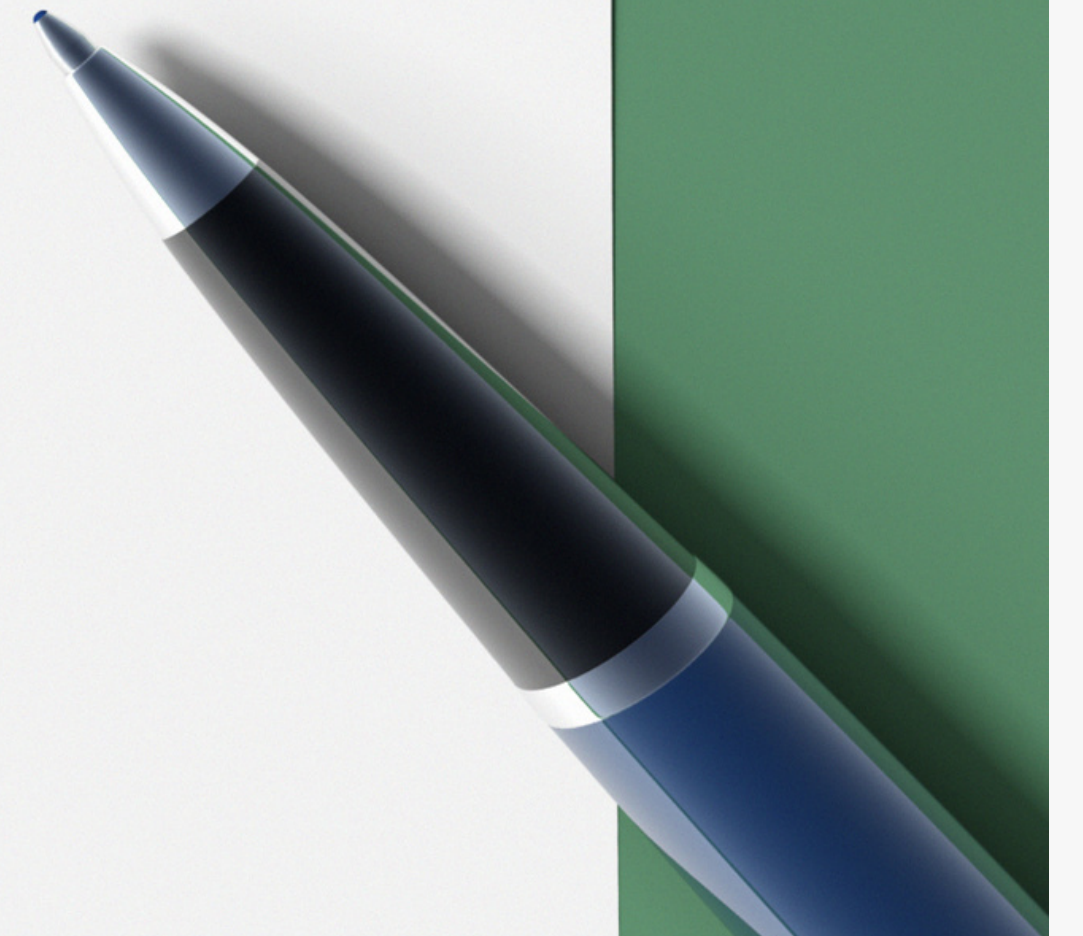
1. Attempt to meet with Complainant
2. Offer supportive measures
3. Consider emergency removal



REMEMBER:

Supportive measures are:

- (1) Non-punitive
- (2) Individualized
- (3) Interactive
- (4) Burden is on the school/institution



Emergency Removal/Admin Leave



Individualized Safety and Risk Assessment



Notice and explanation to respondent



No blanket "rules" for removal



Explained in policy/procedure



Admin leave with pay available; not the same as emergency removal



Authority to issue



Use your BIT/Case Management/Threat Assessment/Care Team

Safety & Risk Assessment/ Emergency Removal



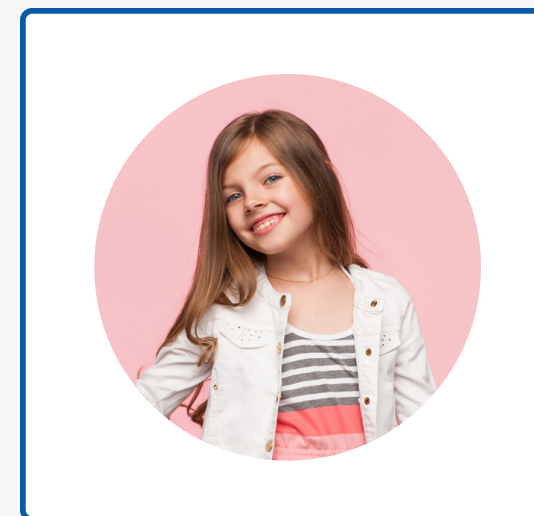
SAFETY IS YOUR
FIRST CONCERN



INDIVIDUALIZED
SAFETY AND RISK
ASSESSMENT



CANNOT JUST PLACE ON
EMERGENCY
REMOVAL/ADMIN LEAVE
TO FIGURE IT OUT



DOCUMENTATION
AND NOTICE
REQUIREMENTS



CASE STUDY

The Title IX Coordinator meets with Amelia and her father. During that meeting, Amelia informs the Coordinator that she has been dating Alec for a few years and he has only hit her on this one occasion because he suspected her of cheating.

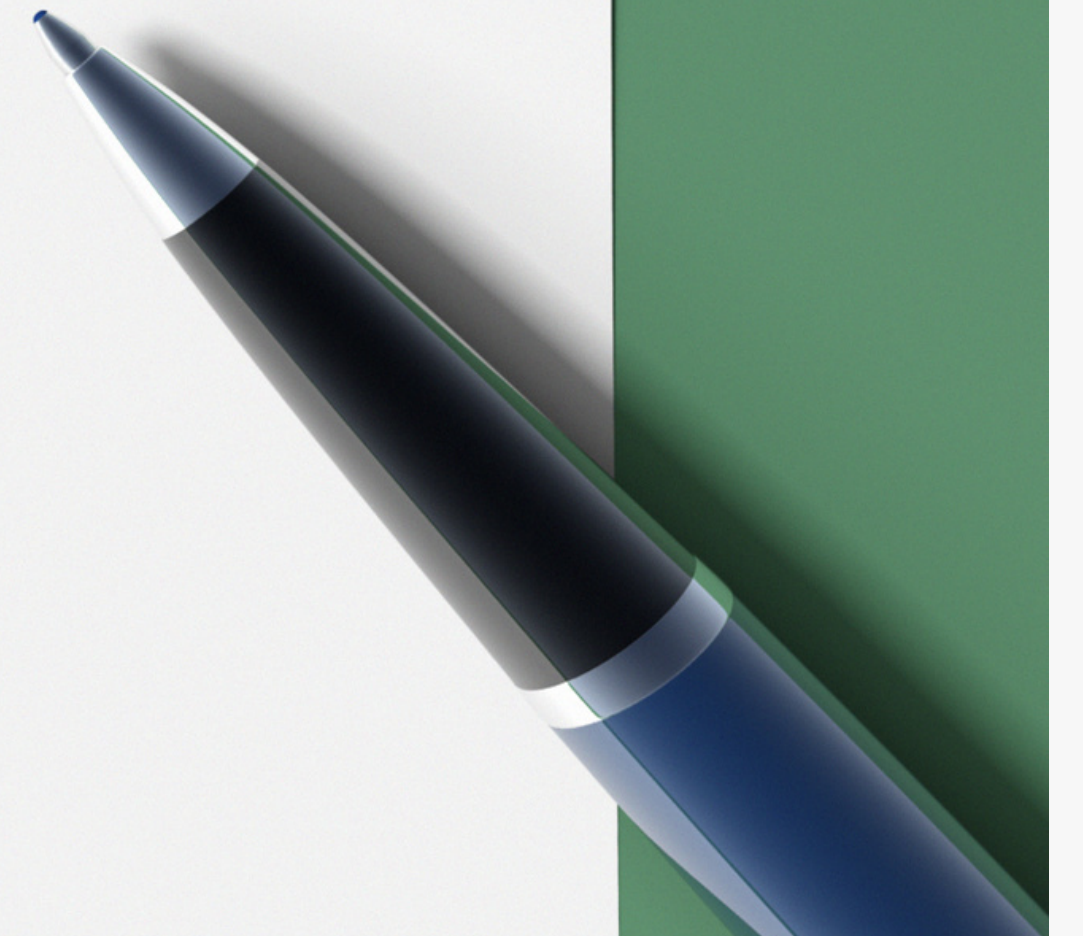


CASE STUDY

Amelia signs a Formal Complaint and the matter moves to the investigation. During the meeting with the Title IX investigator, Amelia states that Alec is starting to threaten her. Specifically, he texted her that "if she goes through with this he will kill her." He also texted a friend, Ian, and stated that "he knows where his dad's gun is and will shoot up the school Friday if this bitch doesn't call him back."

REMEMBER:

- Emergency removal analysis is on-going throughout the Title IX Formal Grievance Process.
- Encourage you to involve BIT/threat assessment/CARE, but the decision should rest with Coordinator for consistency.



A Guide to Terminology in Risk/Threat Analysis

	Triage* Assessment	Threat Assessment	Violence Risk Assessment	Individualized Safety/Risk Analysis	Mental Health Psych Assessment
When Given:	At first sign of concern to obtain a baseline	When a verbal or written threat occurs	To assess risk to self or others with or without a threat	Required by Title IX regs to emergency remove a respondent in a Title IX matter	To access inpatient care, diagnosis or clarify treatment
Given By:	Counselors, health educators	Counselors, BIT/Care team, law enforcement, private security	Counselors, BIT/Care team, law enforcement, private security	Title IX Coord in consultation with BIT/CARE team	Counselors, social workers, LE psychologists
What it Does:	Helps prioritize and direct care to ensure the risk is addressed	Determines likelihood of a threat being carried out	Determines level of risk in a broad sense with or without a threat	Ensures decision to remove respondent from campus is objective and factual	Voluntary/mandated inpatient admission, diagnostics
Examples:	Pathways, NABITA Risk Rubric, CCAPS	DarkFo35x, SIVRA-, HCR-20, WAVR-21, ATAP	SIVRA-35, HCR-DarkFox, 20, WAVR-21, ATAP	DarkFox, SIVRA-35, HCR-20, WAVR-21, ATAP	General diagnostic interview, MMPI-2, WAIS, PAR

Triage* here denotes an initial determination of threat and violence risk in a broad sense. While triage is also used as a process to determine next steps in a Title IX matter, triage is also a common term in risk/threat, law enforcement, trauma medicine and psychology.

Types of Threats



Type of Threat	Example
Direct	"I'm going to blow up the school's library."
Indirect/vague	"Something bad will happen to the library."
Direct with action/ time imperative	"I'm going to blow up the school's library at 3pm on Tuesday."
Conditional ultimatum	"If you don't give me the grade I want in class, I'm going to blow up the school's library."
Transient	A student throws books in the library when frustrated about an assignment and writes in black permanent marker on the library whiteboard, "Burn this down!"
Substantive	"I'm going to bring gasoline into school in a Nalgene bottle and spread it all over the books in the library and start a fire."
Howling	"People need to listen to me. I am not going to be treated like this! I'm going to set fire to this entire world and watch it burn while I laugh and roast marshmallows."
Hunting	"I have what I need. And I know what I am going to do. #fire #library"
Vague, but direct	"Something bad is going to happen soon in the library."
Direct, but vague	"I know how fire can spread, so maybe think about investing in some fire extinguishers."

Adapted from *An Educator's Guide to Assessing Threats in Student Writing* by Brian Van Brunt, W. Scott Lewis and Jeffrey Solomon

Types of Threats

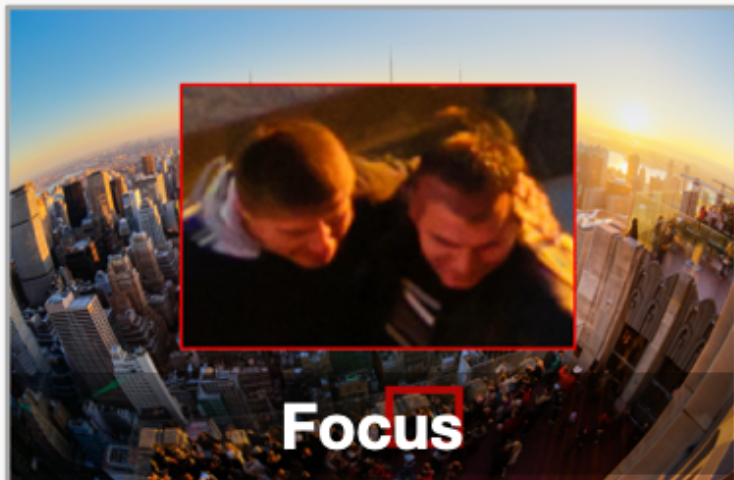
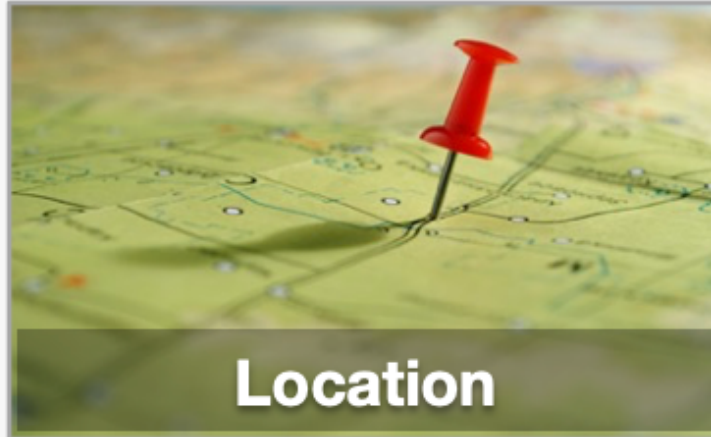


TABLE 3.3 Common Grievances and Injustices

Being teased at work for having food allergies or not wanting to eat certain foods	Anger at marginalized groups like GLBTQ and African Americans
Family members making them suffer	Rejection by a romantic interest
Peers who mistreated them	Failure to get a promotion or grade
The rich getting away with things and not being held to the same tax standards	Being fired from a job for an unjust cause or being singled out
Frustration at recent politics and feeling teased and isolated	Rejection from an academic program despite working hard
A supervisor who constantly is trying to get them fired from their job	Frustration when others fail to respect their religious beliefs about being gay
Being upset about not getting an invite after expressing interest in going to party	Upset over parking ticket, feeling singled out and targeted
Obsession with health or fear of poisoning	Not being treated fairly by others

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Risk Factors



Protective Factors





QUESTIONS?

Joint In-Person K12 Conference March 9 and 10 Hosted by Belmont University in Nashville, TN

Early Bird Registration!



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