

Threat Assessment and Behavior Interventions for Sexual Misconduct

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Fall 2022



Agenda

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



Triage & Case Management

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Types of Concerning Behavior

Sexual Harassment or Sexual Misconduct	Sexual Violence	Dating or Domestic Violence	Stalking
Sexual Exploitation	Disruptive or Interfering Conduct	Suicidal Ideation or Threats	Hospitalizations
Homicidal Ideation or Threats	Property Damage	Safety Concerns	Actions Endangering Self or Others



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Other Triage Analysis & Considerations

Person(s) Affiliation to the Institution?

Incident Location(s)

Date/Time of Incident

Time of Alleged Incident:
Institutional Nexus or Jurisdiction?

Institutional Action?
Preventative Action?
Remedies?

Level of Concern?
Threat Level?



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Diversity & Intersectionality: Challenges & Barriers



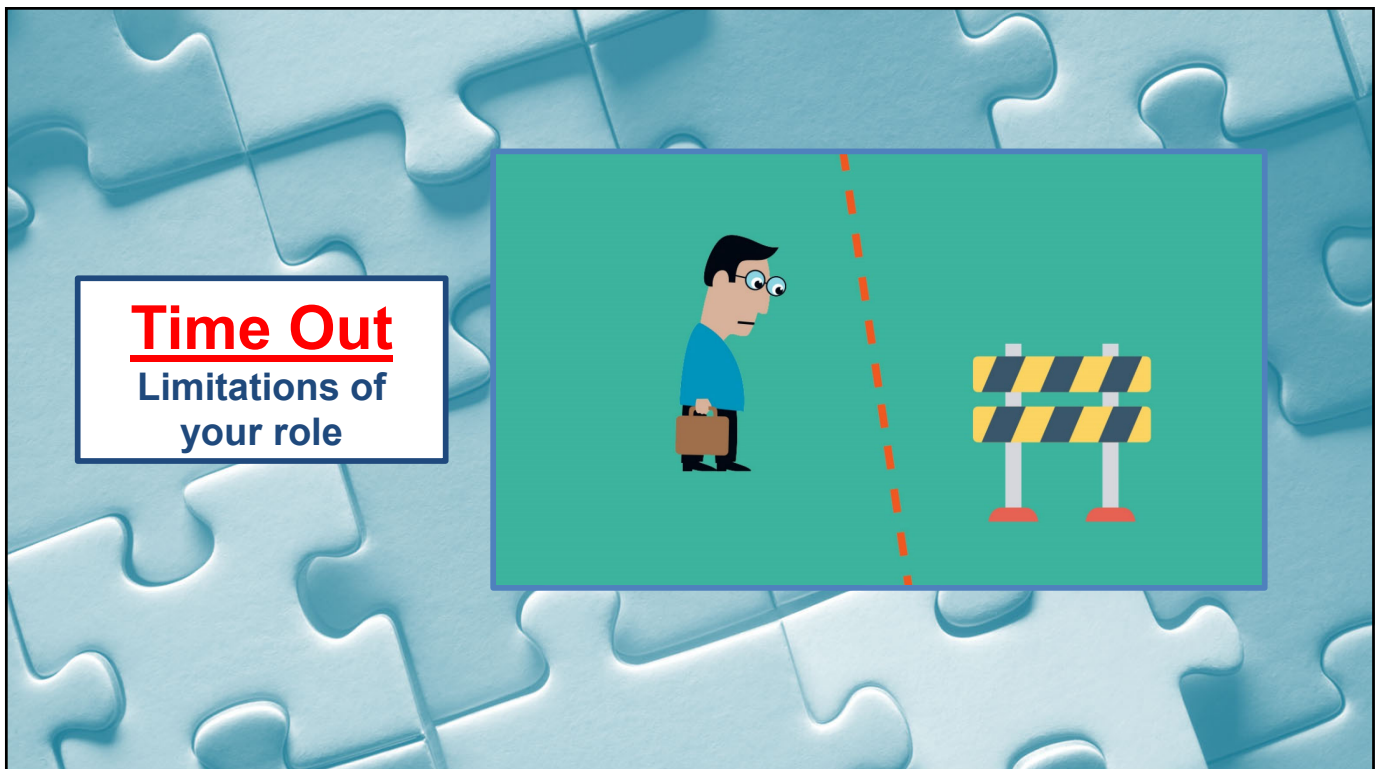
- Family pressure or disagreements
- Care for family and/or dependents
- Financial stress
- Housing and/or food insecurity
- Disabilities
- Medical and/or mental health issues
- Unhealthy relationships or boundaries
- Relationship breakups
- Lack of coping skills
- Addiction and/or substance use
- Academic issues

Source: Gardenswartz & Rowe. *Four Layers of Diversity (Wheel) from Diverse Teams at Work (2003)*

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

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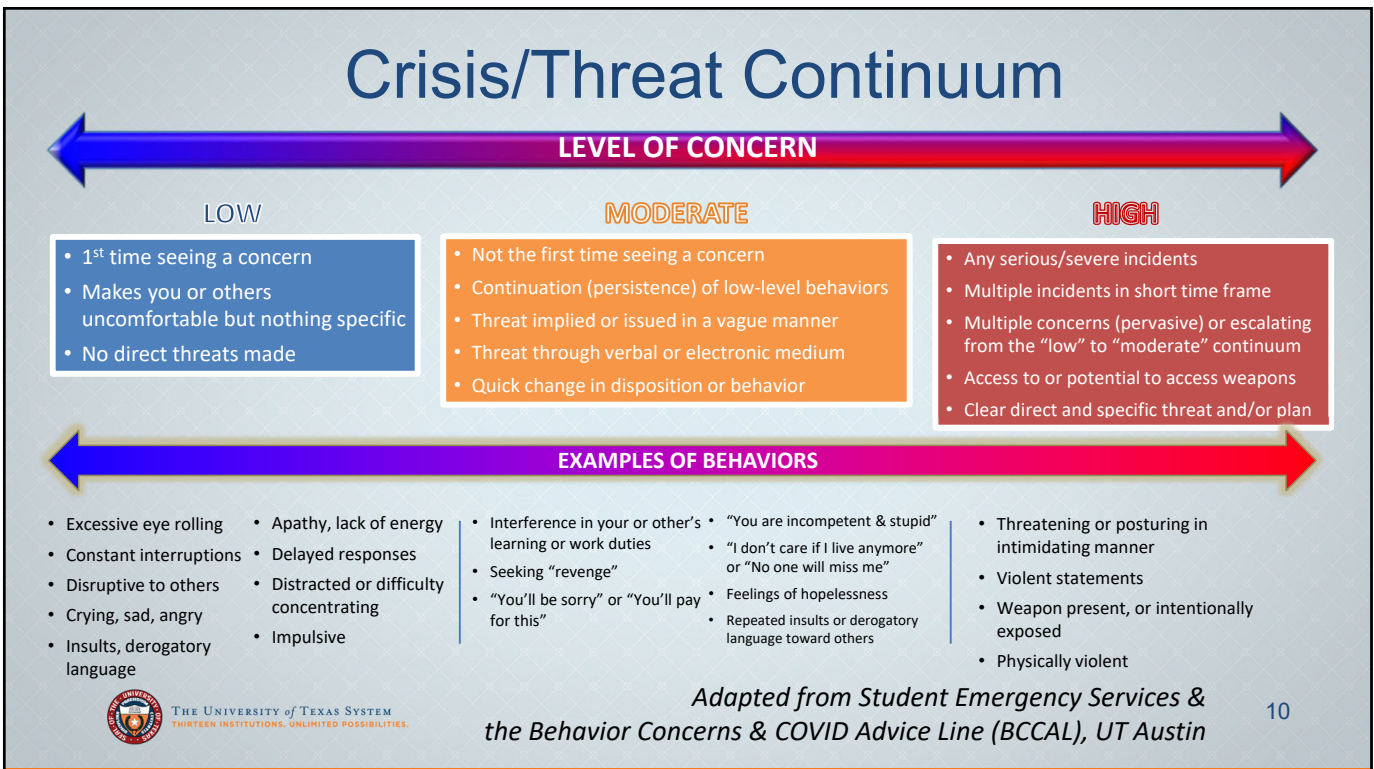
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Threat Assessment Tools

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Terminology Examples

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

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Macro-Analysis – Level of Threat

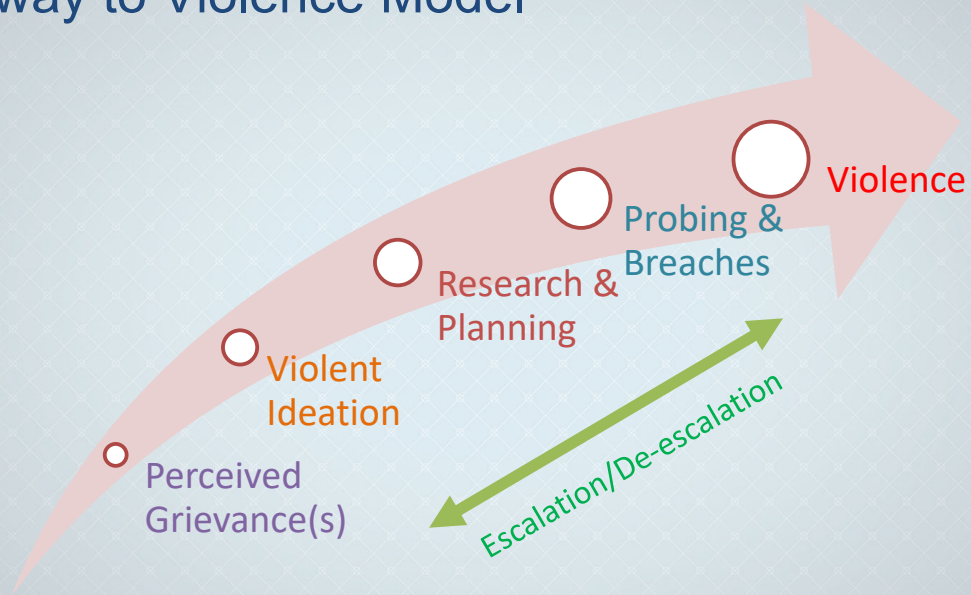
- Assess & contextualize the **known risk factors**
- Examine the **totality of the circumstances**
- Identify **unknown areas** for probing



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Pathway to Violence Model



Source: *Contemporary Threat Management* (Calhoun & Weston, 2003)

Risk Factors for Targeted, Premeditated Violence



Teasing/Bulling of Others



Feeling Marginalized



Perceived Injustice(s)



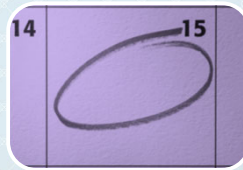
Grudges or Resentments



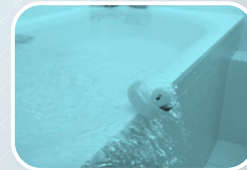
Lacking Connection or Socially Isolated



Objectification of Others



Catalyst Event



Free Fall

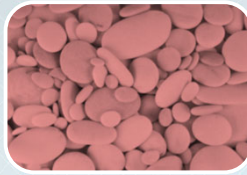


Source: *Culturally Competent Threat Assessment, International Alliance for Care & Threat Teams (InterACTT) (2022)*

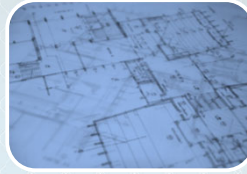
Risk Factors for Targeted, Premeditated Violence (Cont.)



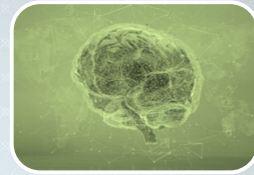
Hardened Perspective



Lacking Empathy or Remorse



Violent Fantasy Rehearsal or Ideation



Mental Illness (Untreated or Undiagnosed)



Fixation/Focus on Person or Group



Location Targeted



Direct Communicated Threat of Violence



Current Suicidal Ideation & Planning



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

Risk Factors for Targeted, Premeditated Violence (Cont.)



Timeframe for Planned Violence



Access to Means & Weapons



Leakage of Plan



"Last Act" Behaviors



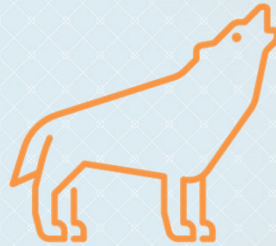
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Source: *Culturally Competent Threat Assessment, International Alliance for Care & Threat Teams (InterACTT) (2022)*

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.

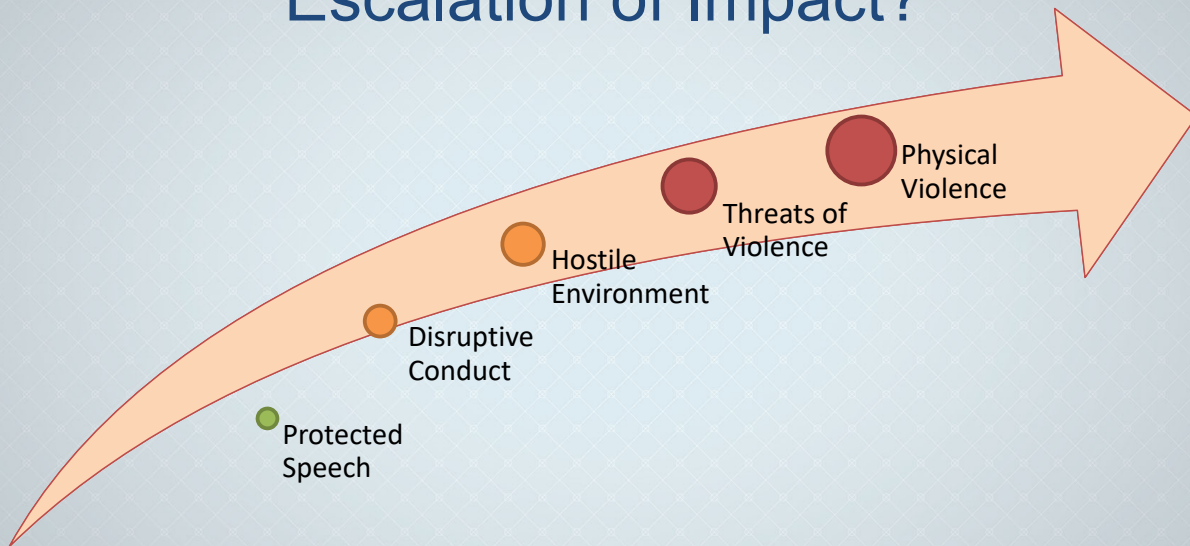


Example Tactics of Howlers:
Makes transient threats; attracts attention; acts out toward others to frighten or intimidate; wants to be seen and heard; wants to control a victim's emotional state; can be overtly "in your face;" and typically **doesn't** want to harm others physically.



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

The Speech in Question: Escalation of Impact?





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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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Substantive Threats

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



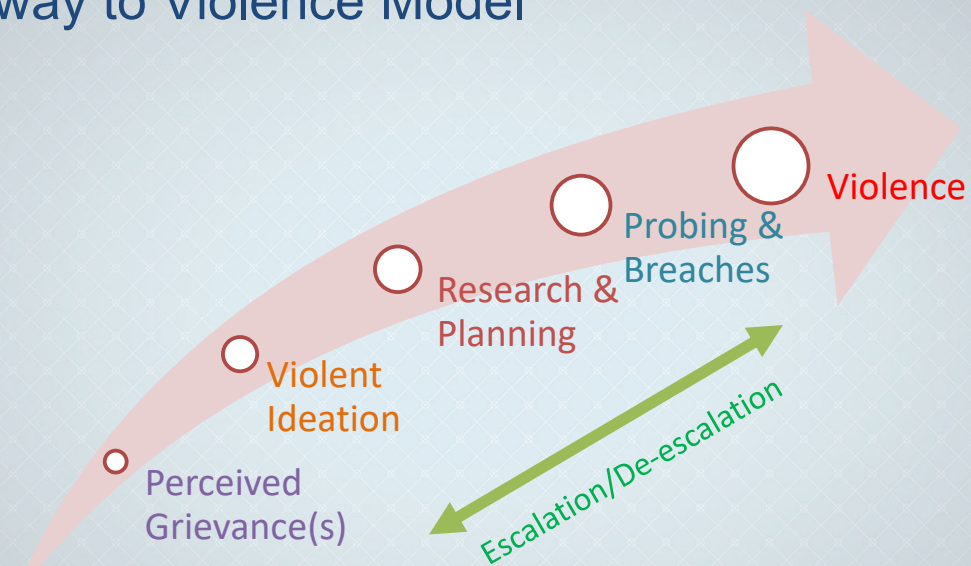
Substantive Threats

Affective Violence	Premeditated Violence
<ul style="list-style-type: none"> • Impulsive; Exhibits lack of control, forethought, or planning • Emotional reaction; Exhibits impaired emotional regulation • Based on situational and environmental stressors • More difficult to predict or assess from a threat assessment perspective 	<ul style="list-style-type: none"> • Long-term feelings established which extends beyond an immediate incident or argument • Deliberate planning • Desire to harm self or others; Willing to sacrifice self for a “cause” • Based on perceived grievance(s) • “Hunters” typically engage in <u>premeditated violence</u>

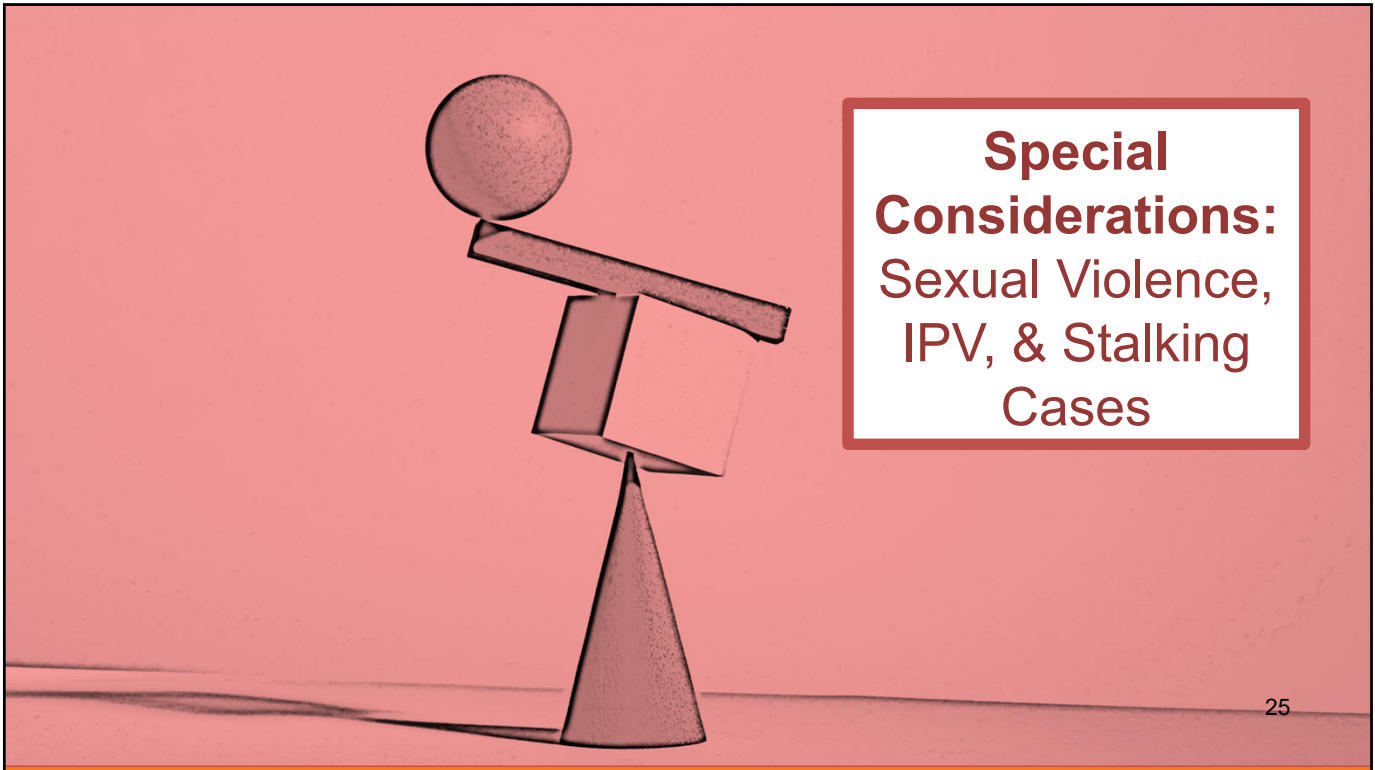


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Pathway to Violence Model



Source: Contemporary Threat Management
(Calhoun & Weston, 2003)



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Determining Predominant Aggressors

Common Considerations:

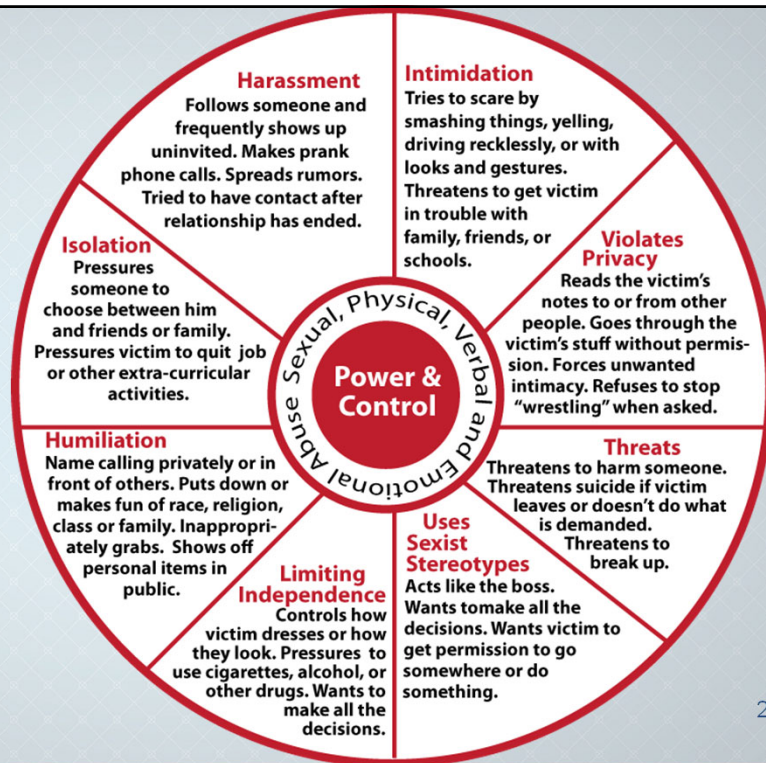
- Indicators of **power & control**
- Presence or threat of a **weapon**
- **History** of dating or domestic violence
- Aggressive or hostile **body language**
- Pre-existing **protective orders** or “**no contact**” directives
- Comparative extent of **injury** (if both are injured)
- **Property** damage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

Source:
The National Center for Campus Public Safety

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Power & Control Wheel (Examples)

Source: www.alteristic.org



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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

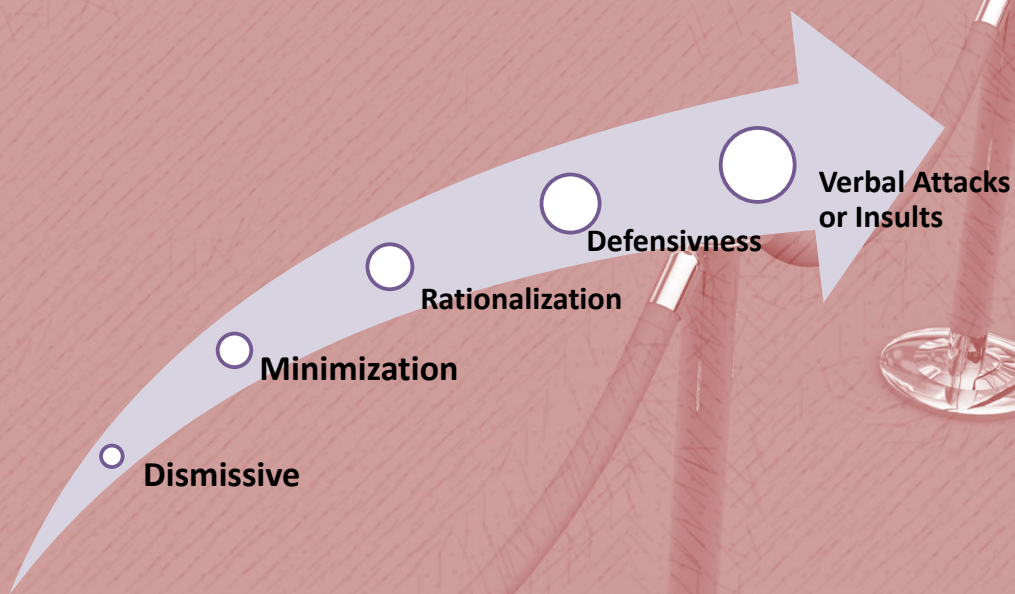
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Type of Response	Example Statements	
Dismissive	<ul style="list-style-type: none"> • <i>I <u>never</u> said/did that.</i> • <i><u>Your</u> memory is bad.</i> • <i>I don't remember it that way.</i> 	<ul style="list-style-type: none"> • <i>That didn't happen. [or] That's not what happened.</i> • <i>I have no idea what you are talking about.</i>
Minimizing	<ul style="list-style-type: none"> • <i>It's <u>only</u> a joke. [or] It's not that bad.</i> • <i>We're <u>just</u> having fun.</i> 	<ul style="list-style-type: none"> • <i><u>Nobody</u> got hurt.</i> • <i>What's the <u>big</u> deal?</i>
Rationalizing or Making Excuses	<ul style="list-style-type: none"> • <i>This wasn't ever an issue before now.</i> • <i>I said/did _____ because _____.</i> • <i>I didn't even know I did anything.</i> • <i>I didn't mean it like that.</i> 	<ul style="list-style-type: none"> • <i>That's not how things used to be.</i> • <i><u>No one else</u> is saying anything.</i> • <i><u>Others</u>, even <u>you</u>, do the same thing too.</i>
Attacking or Defensive	<ul style="list-style-type: none"> • <i><u>You're</u> too sensitive. [or] <u>You're</u> overreacting.</i> • <i><u>You're</u> petty. [or] <u>You're</u> jealous.</i> • <i><u>You</u> are taking it the wrong way.</i> • <i><u>You</u> think you are better than everyone else.</i> • <i><u>You</u> can't take a joke.</i> • <i>This is why nobody likes <u>you</u>.</i> 	<ul style="list-style-type: none"> • <i>It's <u>your</u> fault because _____.</i> • <i>What about when <u>you</u> said/did _____?</i> • <i>Why are <u>you</u> so emotional?</i> • <i><u>You're</u> letting your emotions get the better of you.</i> • <i><u>Who</u> told you that? What did <u>they</u> say?</i> • <i>What do <u>you</u> have to back that up?</i>

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Escalation of Verbal Responses

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Warning Signs: Triage Questions

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Has the person of concern:

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

Assessing Danger

Example Questions
for the Person
Targeted



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

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Assessing Lethality

Example Questions
for the Person
Targeted

Has the person of concern:

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



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

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Protective Factors for Preventing Targeted, Premeditated Violence



Individual Protective Factors

Personal Attitudes, Beliefs, & Behaviors



Relationship Protective Factors

Peers, Social Groups, & Family Influences



Community Protective Factors

Characteristics of the Physical & Social Environment



Societal Protective Factors

Societal & Cultural Norms



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

Relationship of the Protective Factors



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Individual Protective Factors



Empathy toward Others



Personal Accountability



Positive Future Viewpoint



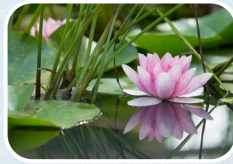
Sense of Identity



No Weapons Access



Resiliency



Emotional Stability



Positive Self-Esteem

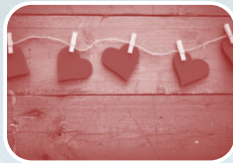


Source: *Culturally Competent Threat Assessment, International Alliance for Care & Threat Teams (InterACTT) (2022)*

Relationship Protective Factors



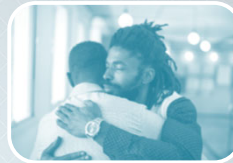
Family & Peer Support



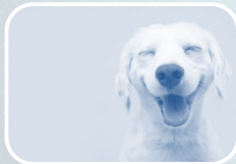
Emotionally Connected to Others



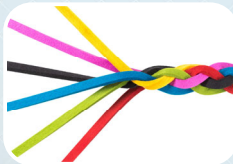
Social Outlets



Intimate Relationships



Feeling Accepted & Valued



Sharing Positive Future Viewpoints



Consequence Aware



Sharing Non-Violent Activities



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

Community Protective Factors



Positive Work Setting



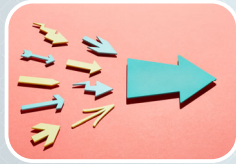
Academic Environment



Housing Stability



Affordable Transportation



Community Resources



Church/Spiritual Outlets



Extracurricular Activities



Community Engagement



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

Societal Protective Factors



Positive Social Norms



Inclusive Laws & Policies



Cultural Norms



Geographic Norms



Healthy Economy



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

Title IX/BIT Reporting

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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
- **Self-harm, suicidal ideation, or suicide attempts**
- **Disruptions, interruptions, or “acting out”** in learning or working environments
- Signs of possible **‘abusive’** relationship
- **Power and control** behaviors, **predatory behaviors** relating to sexual violence, sexual assault, dating violence, domestic violence, stalking cases
- **Threats of violence/harm, homicidal threats**



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

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**



Title IX/BIT Intervention Strategies

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Title IX Example Interventions

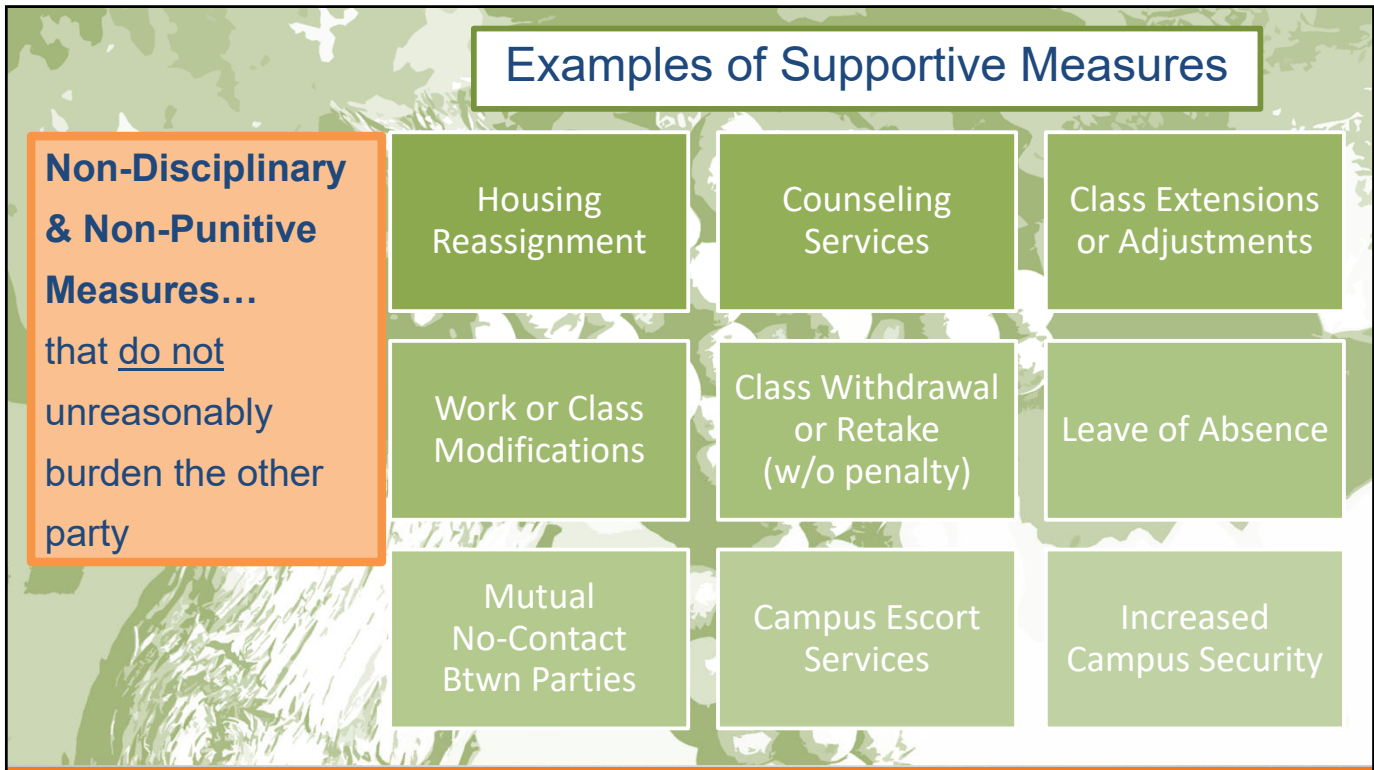
- **Outreach** to CP (victim/survivor) or RP (alleged of a policy violation)
- Coordinate **supportive measures** for CP or RP
- **Safety planning** options
- **Sexual Misconduct Grievance Process**
 - Formal grievance process
 - Informal resolution process (if available)
- Refer for **Interim Action** 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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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**
- **Data mining & collaboration** with w/ **key campus stakeholders** (advisors, faculty, supervisors, Dean of Students, 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)

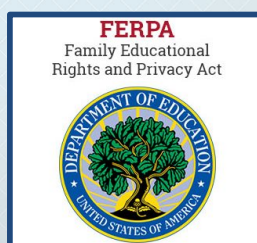
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Privacy & Confidentiality of Records

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.



Examples of “Need-To-Know” Basis

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





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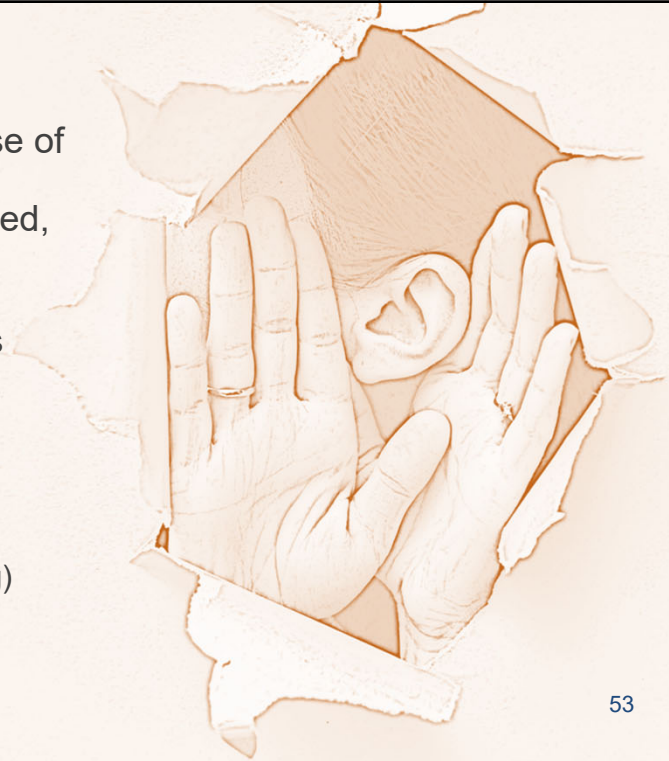
Macro-Analysis – Level of Threat

- 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



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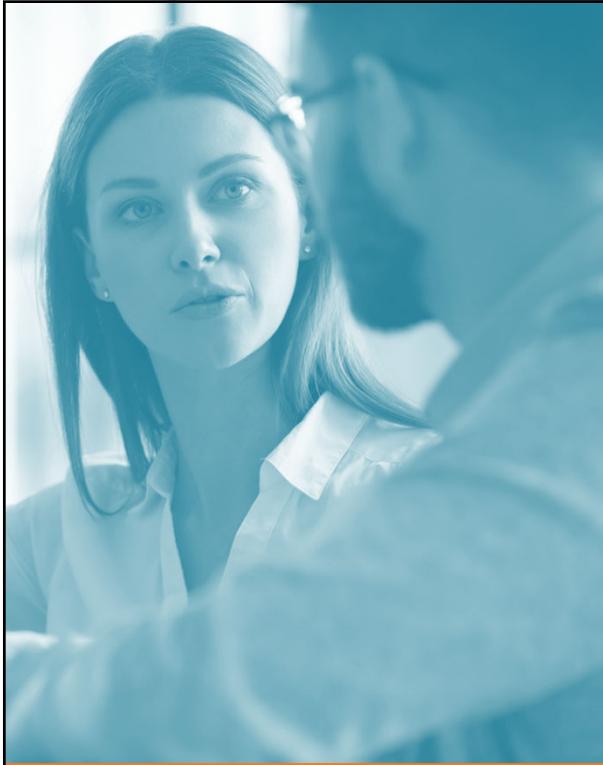
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Active Listening: Examples

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Type	Example Prompts	
Validating	• "That sounds difficult."	• "It's <u>okay</u> to feel upset."
Emotional Acknowledgements	• "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."

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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 need for change
- Organize a plan & actionable pathway for change
- Facilitator uses Active Listening skills:
 - Validating & emotional acknowledgements
 - 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 style="list-style-type: none"> • “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	<ul style="list-style-type: none"> • “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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Motivational Interviewing: Other Considerations

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

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Motivational Interviewing: Refocusing Conversations

Purpose	Example Prompts
If the person <u>doesn't respond to the relevant prompts</u>...	<ul style="list-style-type: none"> • <u>Rephrase</u> the prompt again. • Acknowledge the shift: <i>"It seems like the discussion is evolving to _____, but we started off exploring _____."</i>
If the person <u>makes an argument about a different topic</u>...	<ul style="list-style-type: none"> • <u>Acknowledge</u> the concern & attempt to finish the <u>initial discussion</u> first: <i>"I want to talk about that, but let's first finish addressing _____?"</i>
If the person <u>attempts to change the subject</u>...	<ul style="list-style-type: none"> • It might be to <u>vent</u> or release some tension. • <u>Prompt</u> the person to discuss what's on their mind. • Then, use <u>active listening</u> to acknowledge the person's current <u>concerns, emotions, and/or needs</u>. • Try to <u>link</u> the person's concerns with the initial discussion topic.

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Micro-Expressions: Receptive Signals



Eyebrow Flashes



Head Tilt Up



Smiling



Head Nodding



Mirroring Body Language



Inward Lean



Verbal Nudges



Focused Listening & Silence

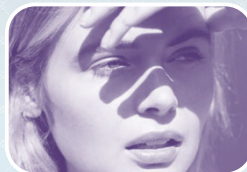


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Micro-Expressions: Closed Signals



Elongated Stare



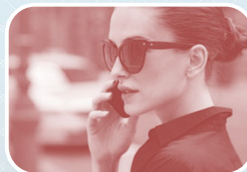
Eye Squinting



Furrowed Eyebrows



Pursed Lips



Body Scan



Eye Roll



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Best Practices for Title IX & BIT's

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



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Documentation & Record Keeping: TIX & BIT's


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



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Bottom Line for Institutions

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



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Support & Resources for YOU

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

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Q & A



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Contact Information

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