

The logo for NABITA, featuring the letters 'NABITA' in a bold, white, sans-serif font. The 'A' is stylized with a horizontal bar through it. The logo is positioned in the upper right quadrant of the image, overlaid on a blue-tinted background of a business meeting.

National Association
for Behavioral Intervention
and Threat Assessment

Intersection of Title IX and BIT

MD BIT Affinity Conference

Agenda



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Defining Terms

- Title IX
- BIT

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Intersection of Title IX and BIT

- BIT process vs. Title IX Process
- Role of Title IX on BIT
- Overlapping cases and information sharing

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Violence Risk Assessment Process

- When to refer for a VRA as part of emergency removal process
- Using VRA scores to inform decision making

Defining Terms

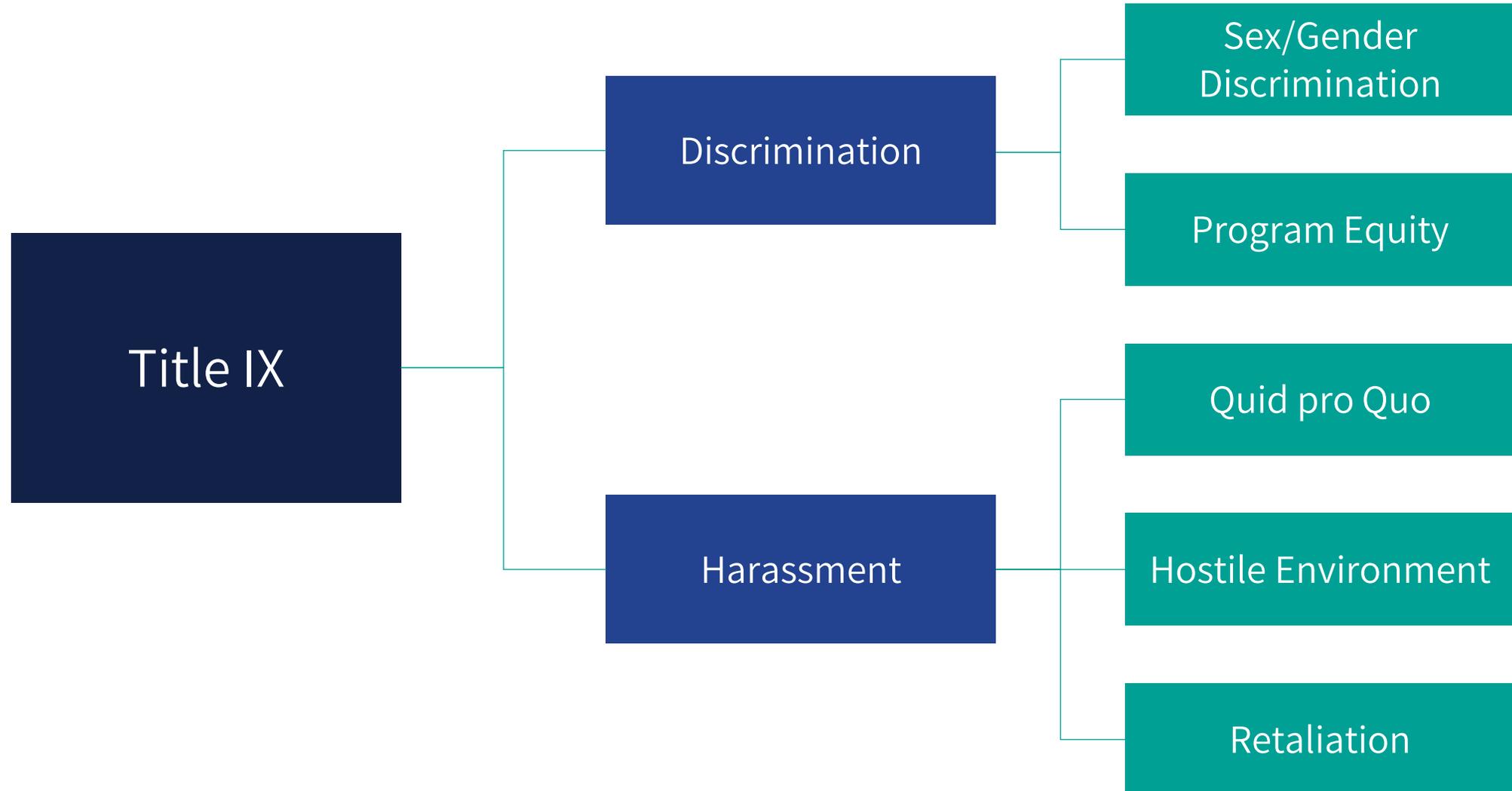
Defining Terms: Title IX

Title IX

“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 education program or activity receiving Federal financial assistance.”

20 U.S.C. § 1681 & 34 C.F.R. Part 106

TITLE IX





Title IX office is responsible for addressing *discrimination based on sex, providing education and development, and following a fundamentally fair process.*



Investigate
the incident



Stop
the discrimination



Prevent
its recurrence



Remedy
the effects

Defining Terms: BIT

BIT

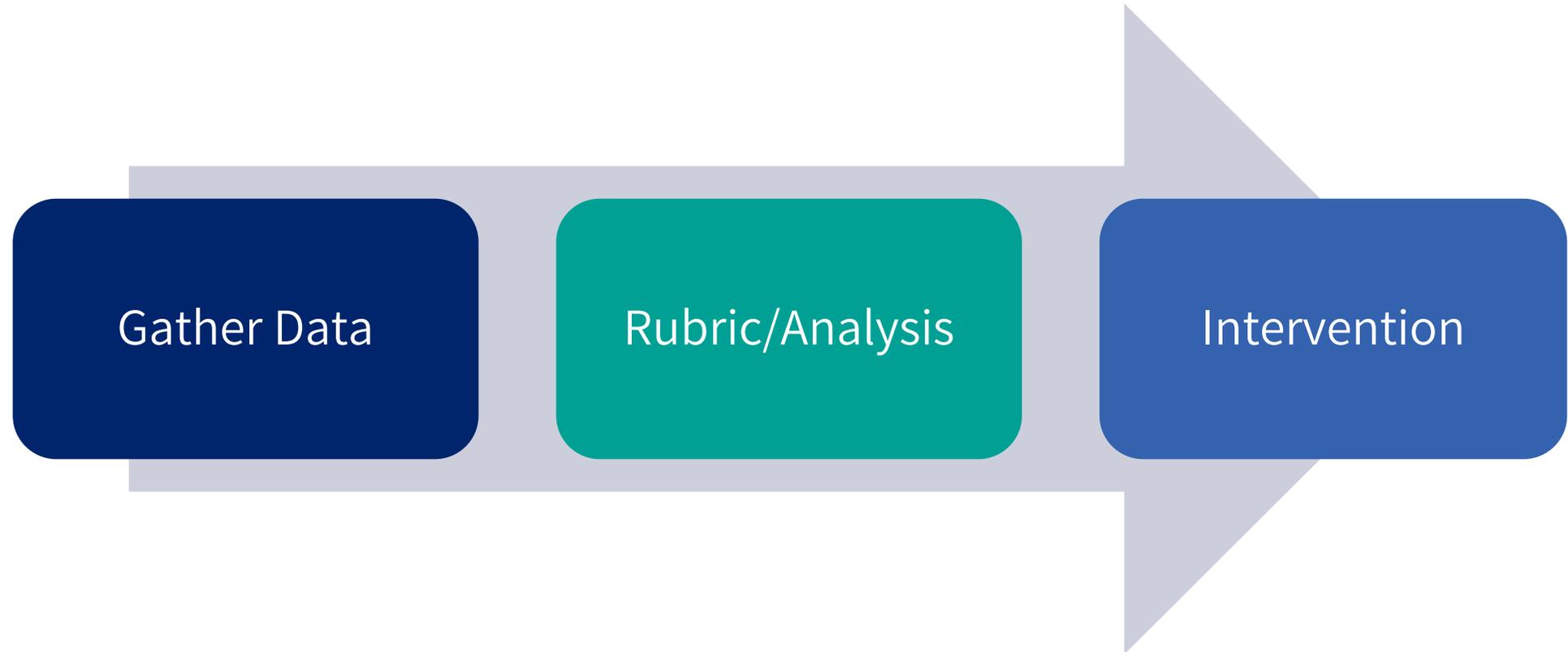
“Behavioral Intervention Teams are small groups of school officials who meet regularly to collect and review concerning information about at-risk community members and develop intervention plans to assist them.”

- NaBITA Advisory Board, 2018

BITS assist student across the mental health continuum and spectrum of risk



BIT Process



Defining Terms: BITs



BITs have defined, cross-departmental membership.



BITs meet at least biweekly to discuss cases.



BITs actively receive referrals for a wide range of concerns.



BITs use an objective rubric to assess risk.



BITs deploy interventions to provide support, reduce risk & increase safety.



BITs increase communication & collaboration

Intersection of Title IX and BIT

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

Mutual Referrals and Overlap

Title IX to BIT

Title IX referring incident(s) to BIT that do not fall within their jurisdiction, contain elements of concern



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

**Incidents do not have to rise
to the level of needing a VRA
to refer to BIT!**

Mutual Referrals and Overlap



FERPA ALLOWS YOU
TO DO THIS

Title IX and BIT

Title IX Cases

Cases 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.



BIT Cases

Referrals to the BIT that have components of sex-based violence necessitating Title IX-based response.

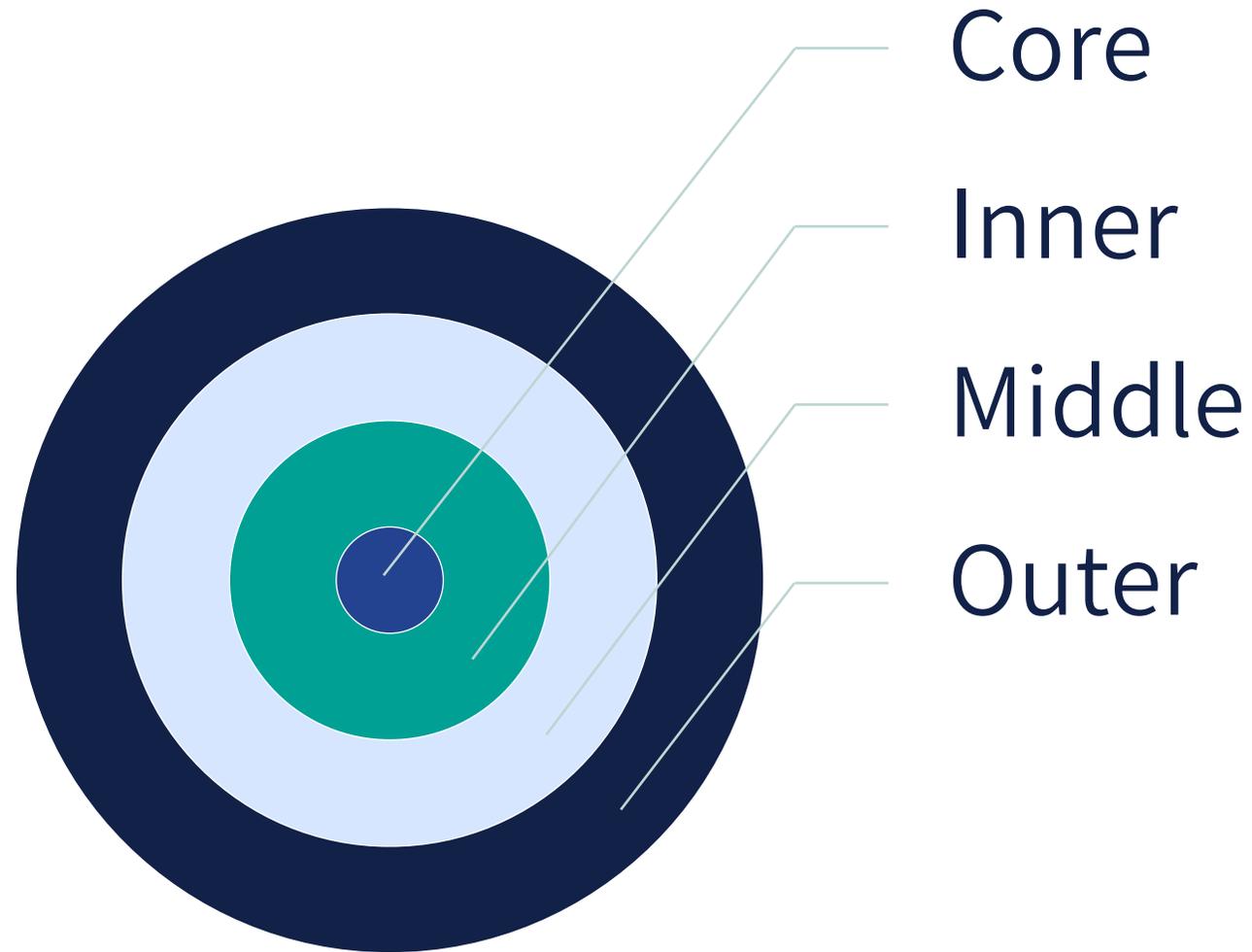
For example:

Multiple women report that a male student is “making them uncomfortable” and behaving strangely.

Employee notifies campus police that they recently obtained an order of protection from their estranged spouse.

Student employee has been frequently late to work, is overheard arguing with their partner on the phone, and has visible bruising on multiple occasions.

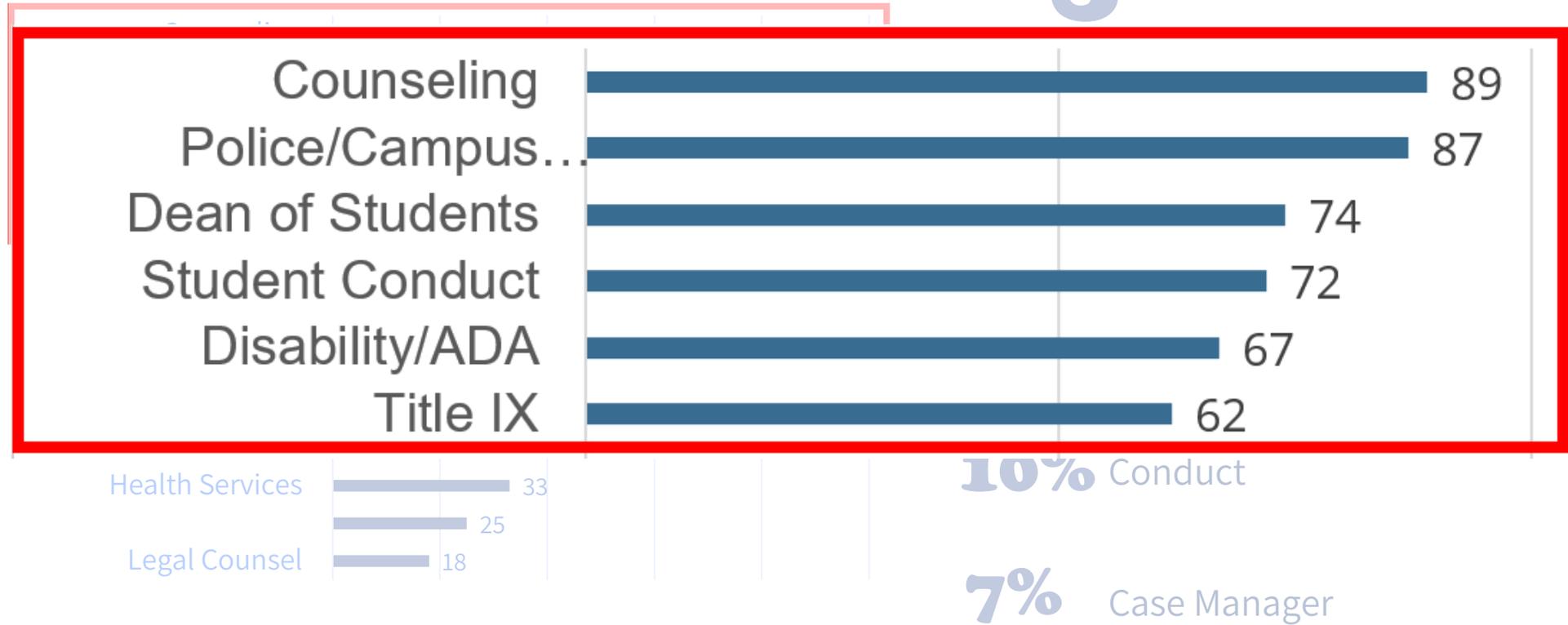
Participation on the BIT



Participation on the BIT

BIT Membership

*percentage of institutions reporting that the department is on their team



Average BIT Size

8 persons

10% Conduct

7% Case Manager

Participation 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 and BIT members should be well-trained in scope of Title IX and how to make a Title IX report

Information Title IX Should Share with the BIT

- Threats of or engagement in violence, stalking, harassment, etc.
- Concerns discovered related to student's functioning, 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 VRAWW (VRAs)
- **Intervention and support plan**
 - Case management action
 - Referrals that are made
 - Academic supports
 - Housing, food, financial support
 - BIT's plan to follow up

VRA Process

Process for issuing VRA as part of emergency removal consideration

Emergency Removal

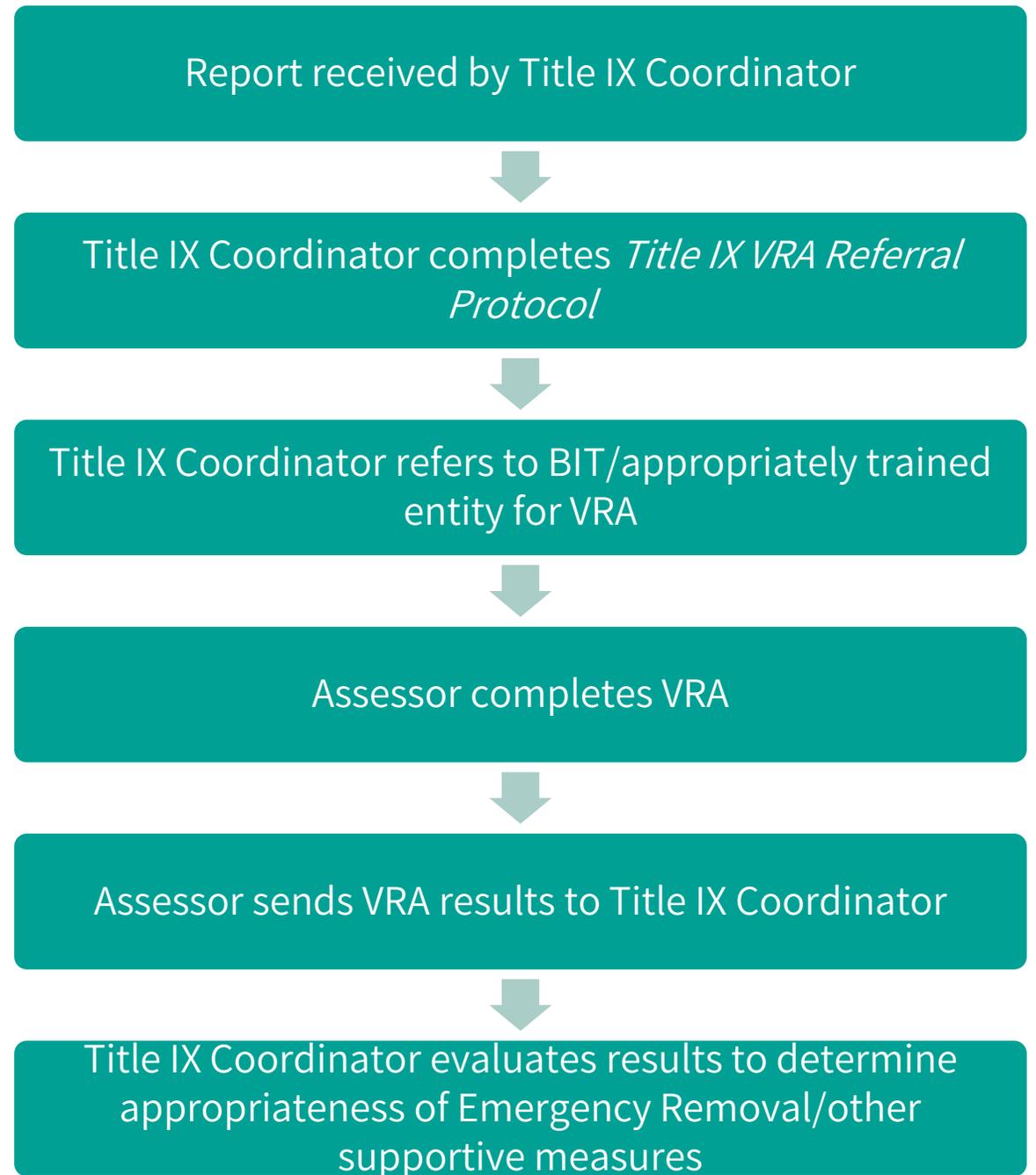
A Recipient may remove a student Respondent from the education program or activity on an emergency basis, only after:

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

Title IX VRA Process



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
 - While VRA scores can inform these procedures, the student's behavior must have violated the code of conduct or Title IX policies and warrant a separation, suspension, or restriction beyond supportive measures

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**

THANK YOU

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