

TITLE IX SOLUTIONS, LLC

BASIC THREAT ASSESSMENT

2024 Title IX Regulations Workshop



WORKSHOP OBJECTIVES



Explain recent changes in Title IX regulations



Highlight temporary removals, administrative leave, and threat assessments



Discuss similar criteria that now should guide institutional decisions to proceed with investigations as complainant



Provide an overview of what has changed and what remains the same

PRIOR REGULATIONS

Section 106.44(c) and 106.44(d)

Temporary Removals

- Removal allowed based on immediate threat to physical health or safety
- Requirement for notice and opportunity to challenge

NEW REGULATIONS

Section 106.44(h), 106.44(i), and 106.44(e)

Temporary Removals

- Broader scope to include serious threats to health and safety (physical or non-physical)
- Examples of non-physical threats: stalking, serious mental health threats
- Requirement for individualized assessment and immediate challenge opportunity remains

PRIOR REGULATIONS

Section 106.44(c) and 106.44(d)

Administrative Leave

- Permits placing non-student
- employees on administrative leave during grievance process
- Must not modify rights under Section 504 or ADA

NEW REGULATIONS

Section 106.44(h), 106.44(i), and 106.44(e)

Administrative Leave

- Applies to all employees (student and non-student)
- Ensure consistency with grievance procedures

PRIOR REGULATIONS

Section 106.44(c) and 106.44(d)

Public Awareness Events

- No specific provisions for handling information disclosed during public awareness events

NEW REGULATIONS

Section 106.44(h), 106.44(i), and 106.44(e)

Public Awareness Events

- Institutions not required to act on disclosures unless an immediate and serious threat is revealed
- Encourages use of information to inform preventive measures and training
- Institutions must use this information to inform its efforts to prevent harassment, when information disclosed indicates there may be multiple incidents of harassment

REASONS FOR CHANGES



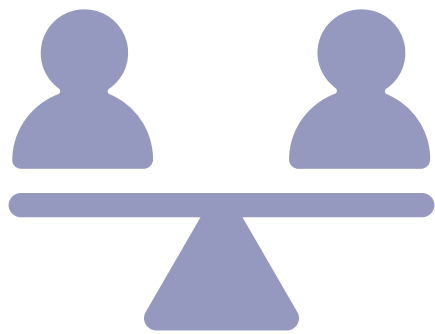
Feedback on the need
to address non-physical
threats



Ensuring flexibility for
institutions to
maintain safety



Aligning with other
regulatory changes



Ensuring equal
treatment of all
employees



Recognizing the value
of public awareness
events



Avoiding deterrence of
participation in events like
"Take Back the Night"

IMPLICATIONS

HIGHER EDUCATION

- Enhanced protection for complainants facing non-physical threats
- Greater flexibility for institutions to address a wider range of threats
- Clear guidelines for administrative leave during the grievance process
- Protection of rights under Section 504 and ADA
- Balanced approach to awareness and safety
- Encourages institutions to use event information for prevention efforts

CRITERIA



Under the 2024 Title IX Regulations,
Title IX Coordinators are now
tasked with the responsibility to
consider eight specific factors to
assess whether to move forward
absent a complainant.

CRITERIA

106.44(f)(1)(v)

(A) To make this fact-specific determination, the Title IX

Coordinator must consider, at minimum, the following factors:

- 1 The complainant's request not to proceed with initiation of a complaint
- 2 The complainant's reasonable safety concerns regarding initiation of a complaint
- 3 The risk that additional acts of sex discrimination would occur if a complaint is not initiated
- 4 The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence

CRITERIA

106.44(f)(1)(v)

(A) To make this fact-specific determination, the Title IX Coordinator must consider, at minimum, the following factors:

- 5 The age and relationship of the parties, including whether the respondent is an employee of the recipient
- 6 The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals
- 7 The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred
- 8 Whether the recipient could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedures under § 106.45, and if applicable § 106.46

FACTORS

106.44(f)(1)(v)



(B) If, after considering these and other relevant factors, the Title IX Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the complainant or other person, or that the conduct as alleged prevents the recipient from ensuring equal access on the basis of sex to its education program or activity, the Title IX Coordinator may initiate a complaint.

THREAT ASSESSMENTS AND VIOLENCE RISK ASSESSMENT (VRA)

EFFECTIVE COMMUNICATION & COLLABORATION

Collaboration between
Behavioral Intervention Teams
(BIT) and Title IX staff

- Regular communication and joint training
- Unified approach to risk assessment and intervention



Ensuring safety and adherence
to Title IX standards



KEY PROCESSES

—
VIOLENCE RISK ASSESSMENT
(VRA)



DETERMINING NECESSITY OF A VRA

Standardized criteria for decision-making



SELECTING THE ASSESSOR

Qualified professionals with specific training in violence risk assessment



CONDUCTING THE VRA

Focus on potential for violence and immediate risk



POST-ASSESSMENT PROCEDURES

Accurate interpretation of VRA findings to inform decisions

UTILIZING VRA FINDINGS IN DECISION-MAKING



Emergency Removal

Deciding if the risk level justifies immediate removal



Supportive Measures

Tailoring supportive measures based on risk assessment



Further Investigations

Guiding broader investigations into patterns of behavior

INFORMATION SHARING & PRIVACY

Confidentiality & Compliance

- Compliance with FERPA and privacy laws

Training on FERPA

- Handling sensitive information appropriately

SELECTING THE ASSESSORS & CONDUCTING THE VRA

Behavioral Intervention Team & Title IX Overlap

BITs typically include professionals from diverse backgrounds, such as mental health experts, law enforcement officers, student conduct administrators, and Title IX specialists. This interdisciplinary team composition promotes a holistic approach to risk assessment, addressing all aspects of a student's or employee's situation.

VRA Process & Considerations

1. Use of Standardized Tools
2. Thorough Training of Assessors



SCENARIO

1

A student, Ryan, reports to the Title IX office that they has been experiencing stalking by a student, Sam, who they previously dated. Ryan has received numerous unwanted messages and social media posts from Sam, and Sam has been seen loitering near Ryan's dormitory and classrooms. Ryan is fearful for their safety, although Sam has not made any direct physical threats.

Discussion Points

- ➊ Immediate Response
- ➋ Risk Assessment
- ➌ Supportive Measures
- ➍ Communication



SCENARIO

2

Mark, a university employee who works in the campus IT department, has been reported by several colleagues for making threatening remarks and exhibiting erratic behavior. The reports include instances of Mark verbally threatening a co-worker during a disagreement, displaying signs of severe stress and agitation at work, and sexually harassing a colleague, Lisa, in the workplace. Additionally, Lisa has filed a formal complaint alleging that Mark has made repeated unwelcome sexual comments and advances towards her.

Discussion Points

- ➊ Initial Assessment
- ➋ Administrative Leave
- ➌ Violence Risk Assessment (VRA)
- ➍ Handling Sexual Harassment
- ➎ Post-Assessment Actions



QUESTIONS?

Head over to our **2024 New Regulations Thinkific Community** to ask your questions, connect with fellow Title IX Administrators and experts, and see what questions others have!

Can't find the community? Check out our *Community Guidelines* PDF in the Introduction chapter or email Cara Kuhn at cara@titleixsolutions.com.