



Association of  
Title IX Administrators

# Establishing a Violence Risk Assessment Process

An ATIX Best Practices Workshop

Endorsed by the National Association for Behavioral Intervention and  
Threat Assessment (NABITA)

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Strategic Risk  
Management Solutions



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# Introduction



The primary focus of this training is to help practitioners implement a process to determine when a Violence Risk Assessment (VRA) is warranted, who should execute the VRA, and what to do after receiving the assessment results.



The Title IX regulations mandate an individualized safety or risk analysis if an institution is going to limit educational access.



Our goal is to provide a comprehensive framework to establish and implement a VRA process as part of the overall Title IX Process.

# Content Advisory

The content and discussion in this training will necessarily engage with sex- and gender-based harassment, discrimination, violence, and associated sensitive topics that can evoke strong emotional responses.

ATIXA faculty members may offer examples that emulate the language and vocabulary that Title IX practitioners may encounter in their roles including slang, profanity, and other graphic or offensive language. It is not used gratuitously, and no offense is intended.

# Introduction



# 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 (1972)*



# Review: Applicability

- Education program or activity in the United States
- Downstream effects of out-of-program conduct
- Institution/District has disciplinary authority over the context of the behavior
- Identity of the Complainant
- Applies to both students and employees
- Per the 2024 preamble, OCR will consider almost all off-campus sexual misconduct by K-12 employees toward students to be within the school program/activity





# Review: Sex Discrimination

- Discrimination on the basis of sex includes:
  - Sex Stereotypes
  - Sex Characteristics
  - Pregnancy or Related Conditions
  - Sexual Orientation
  - Gender Identity
- “More than *de minimis* harm”
- Sex-Based Harassment



# Review:

## Sex-Based Harassment

- Subset of sex discrimination
- Includes (the “Big Six” offenses):
  - Quid Pro Quo (QPQ)
  - Hostile Environment Harassment
  - Sexual Assault
  - Dating Violence
  - Domestic Violence
  - Stalking
- No consent definition provided
  - Develop or adopt one for the institution/district



## Emergency Removal Rule:

“Emergency removal, requires a Recipient to undertake an individualized safety and risk analysis to determine whether an **imminent** and **serious** threat to the health or safety of a Complainant, or any students, employees, or other persons arising from the allegations of sex discrimination justifies removal.”

§ 106.44 (h), Final Rule pg. 1537

# Emergency Removals

**Emergency Removals** provide the institution/district with the appropriate flexibility to respond to reports of sex discrimination, including to:

Preserve educational  
access

Protect the safety of all  
parties

Respond to emergency  
situations

Emergency Removal is **not intended to serve as a substitute** for resolution procedures that would resolve underlying allegations of sex discrimination

# Emergency Removal

- When considering an Emergency Removal for allegations of sex discrimination, Title IX regulations mandate an **individualized safety and risk analysis**
  - To determine if an **imminent and serious threat**
    - to the health or safety
    - of a Complainant, or any students, employees, or other persons
- **Imminent threat:** may not be active or immediate, but are likely to occur soon
- **Serious threat:** includes non-physical threats
  - Non-physical threats can be assessed as objectively as physical threats
- An intentionally high standard; Emergency Removal should be rare
- 2024 Regulations do not specify elements of an individualized safety and risk analysis



# Emergency Removal

- A student Respondent may be removed from the education program or activity on a **limited emergency basis, only after:**
  - A completed individualized safety and risk analysis
  - Determination of an imminent and serious threat to the health or safety
  - Respondent has been provided notice and an opportunity to challenge the decision immediately following a removal
- All rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act must be upheld
- The Emergency Removal provision cannot be used to permanently remove a Respondent from the education program or activity

# Employee Administrative Leave

- The Emergency Removal process does not apply to employees
- Non-student employee Respondents can be placed on administrative leave during the Title IX Resolution Process
  - Follow institutional/district policy
- All rights provided under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act must be upheld



# Emergency Removal Behaviors

Alleged behaviors that may necessitate an Emergency Removal determination include all forms of sex discrimination, but most often involve:

Sexual Assault

Domestic Violence

Dating Violence

Stalking

# Behavioral Intervention Team Overview

# Behavioral Intervention Teams (BITs)

- This presentation refers to BITs and BIT/Care Teams as a catchall for those groups who coordinate and perform behavioral intervention-related work
  - K-12 schools or others may have a different name and/or this function may be incorporated into another structure
- BIT/Care Teams are school/institutional officials who meet regularly to:
  - Gather and review information about individuals in the institutional community
  - Assess level of risk using an objective tool
  - Deploy support, resources, and interventions
- BIT/Care Teams address far more than sex- or gender-based incidents, but may be a resource to assist with an individualized safety and risk analysis and/or additional support for such incidents



# BIT/Care Team Scope

BIT/Care Teams address all levels of concern from **early intervention** to **threat assessment**



# Designated BIT/Care Team Officials

- BIT/Care Teams are comprised of institutional officials
  - With training and authority
  - To gather data, employ objective risk rubrics, and develop individualized interventions to mitigate risk
- Such officials typically include:
  - Institutional leadership (e.g., Dean of Students, VPSA, Principal)
  - Mental health professional (e.g., Director of Counseling, School Social Worker, School Psychologist)
  - Student conduct professional (e.g., Director of Conduct, Vice Principal)
  - Safety/Law enforcement (e.g., Campus Police, SRO)

# BIT/Care Team Process



# BIT/Care Team Process: Gather and Assess

- Members of the institutional community refer individuals to the BIT/Care Team when there is a concern for the safety and/or well-being of the individual
- BIT/Care Teams gather data including information related to the individual referred, including any known incidents, history of behavior, etc.
- Using the data gathered, the BIT/Care Team analyzes all known information using an objective tool to determine level of risk of harm to self or others
  - Examples of objective tools:
    - NABITA Risk Rubric
    - Structured Interview for Violence Risk Assessment (SIVRA 35)

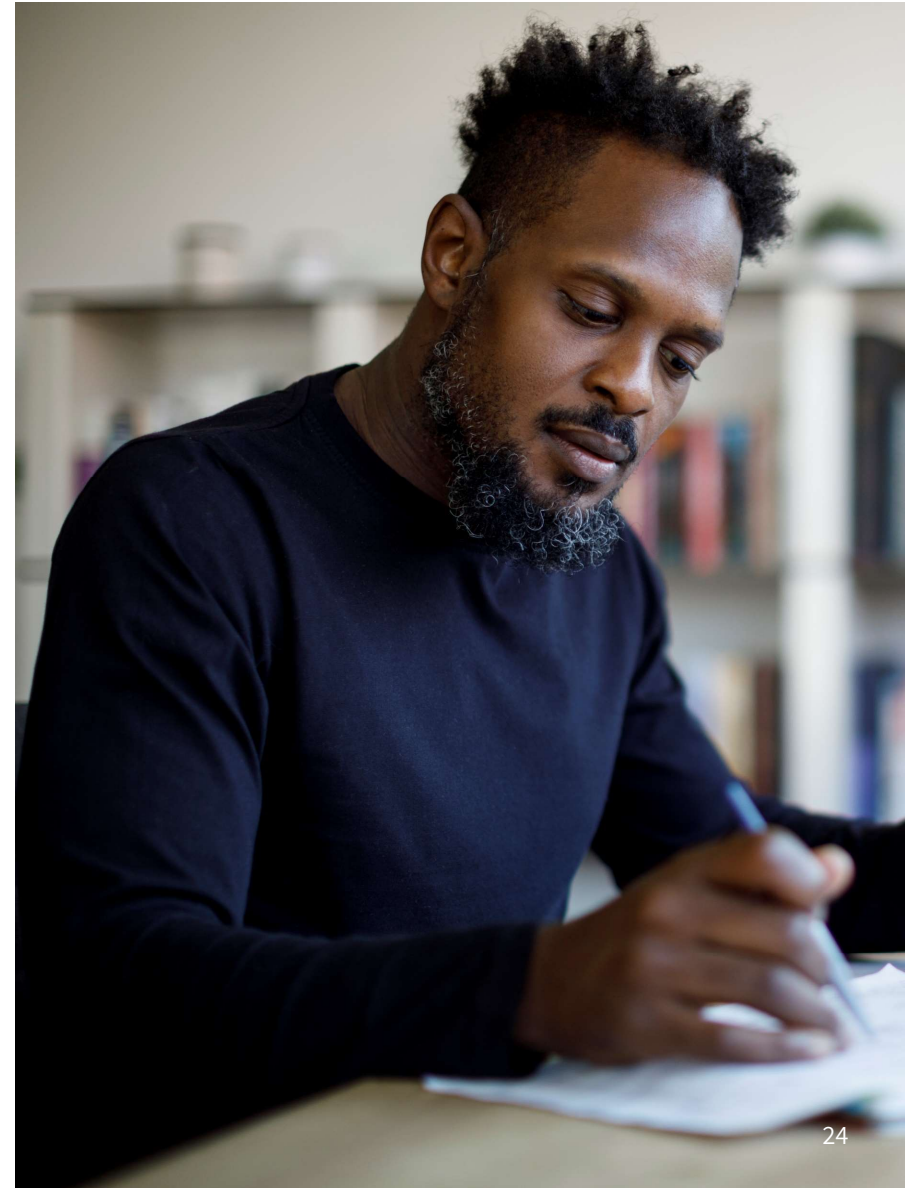
# BIT/Care Team Process: Interventions

- The BIT/Care Team deploys interventions, based on the data obtained from a thorough and objective analysis of all available information
- BIT/Care Team interventions:
  - Are tailored to the severity of risk
  - Use a range of options, including:
    - Check-ins
    - Case Management
    - Parental/Guardian Contact
    - Mandated Assessments
    - Involuntary Leaves
- BIT/Care Teams engage in ongoing follow-up and connection to resources (as needed)



# Title IX on the BIT/Care Team

- ATIXA **recommends** that the Title IX Coordinator (TIXC) or a Deputy/Building Coordinator serve as a liaison with the BIT/Care Team
  - Invited to meetings when relevant individuals are on the agenda
- TIXC should be well-trained in BIT/Care Team philosophy, procedure, and operations
- BIT/Care Team members should be well-trained in scope of Title IX, Title IX response to reports, and how to file a report



# Title IX and BIT/Care Team Overlap

# Distinguishing Title IX and BIT/Care Team Responsibilities

## Title IX Team

- Addresses sex discrimination and sex-based harassment
- Required to **stop** discrimination, **prevent** its recurrence, and **remedy** the effects
- Responds to reports, notice, or complaints of sex discrimination and sex-based harassment
- Expertise in evaluating reports/complaints, investigations, due process, interim measures, making findings, issuing sanctions, etc.

## Behavioral Intervention Team

- Responds to **all** types of concerning behavior
- **Gathers** information, **assesses** the risk for future concern, and **deploys** interventions to manage/mitigate the risk
- Expertise in responding holistically to student needs, trained in identifying, assessing, and responding to indicators of problematic or violent behavior
- Not disciplinary in nature

# Title IX and BIT/Care Team Overlap

## Title IX Reports

Referrals involving components of sex- and gender-based violence necessitating Title IX response

### For example:

- Employee notifies campus police that they recently obtained an order of protection from their estranged spouse
- Student employee has been frequently late or absent from work and has visible bruising on multiple occasions

## BIT/Care Team Referrals

Complaints involving incidents of aggression, threats of violence, violence, harm to self, stalking, hazing, vandalism, substance abuse

### For example:

- Respondent has history of suicidal ideation
- Employee's ex-partner repeatedly calls the workplace and makes threats to employee and coworkers

# Mutual Referrals and Overlap

## Title IX to BIT/Care Team

Title IX may refer incident(s) to BIT/Care Team that do not fall within Title IX jurisdiction or do not rise to the level of a VRA

## Objective VRA

A member of the BIT/Care Team may conduct a VRA for individuals that are reportedly engaging in threats or acts of violence



## BIT/Care Team to Title IX

BIT/Care Team may refer incident(s) to Title IX that involve parties being targeted based on sex/gender

## Supportive Measures

BIT/Care Team and Title IX may provide supportive measures to those participating in the Title IX process

# Information Sharing

**Title IX and BIT/Care Team may share information in a streamlined and timely manner:**

- Family Educational Rights and Privacy Act (FERPA): legitimate educational interest

## Supportive Measures

- No contact orders
- Housing assignments and restrictions
- Classroom or classwork modifications
- Restrictions to areas of campus/  
specific activities
- Emergency Removals


## Commonly Shared Information

- Pending VRA process and report
- Pending investigations, informal resolutions, hearing process
- Outcomes, sanctions, and remedies
- Pending criminal investigations

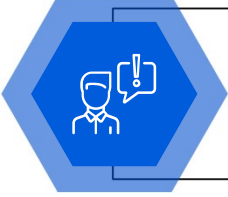
# Violence Risk Assessment (VRA) Overview



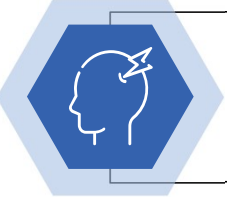
# Assessment Types



General Risk Assessment



Threat Assessment



Psychological Assessment



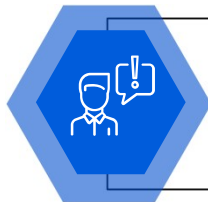
Violence Risk Assessment

# Assessment Types



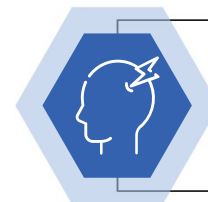
## General Risk Assessment

- Broadly used for a variety of situations and concerning behaviors
- Focuses on proactive approach, with interventions to lower risk and ease distress



## Threat Assessment

- Completed in response to explicit or veiled threat
- Focuses on details of threat, actionability, and crisis response
- Often limited to determining likelihood of violence as related to specific threat



## Psychological Assessment

- Conducted by a trained, licensed clinician
- Focuses on determining diagnosis and treatment plan such as therapeutic intervention, medication, hospitalization, etc.

# VRA

- Helps determine potential violence or dangerousness toward a person, group, or system
- Explores various risk factors and protective elements in a comprehensive manner
- Not predictive, but an estimate of the factors that make it more or less likely the individual will engage in violence



# Administering a VRA

- No specific position or educational degree required
  - Should not be the TIXC
  - Conducted by trained assessor, could be a member of BIT/Care Team
- Requires training and expertise in using an objective risk assessment tool
- Competency in:
  - Conducting a VRA
  - Gathering information
  - Building rapport
  - Bias and Cultural issues

# Objective Tool

- An objective tool allows the assessor to rely on standardized, research-based risk factors
- Mitigates bias and subjectivity
- Allows for more consistent and supportable outcomes
- Examples of Objective Tools:
  - NABITA Risk Rubric
  - SIVRA-35

# VRA Referral Protocol

# Jurisdiction Determination

- TIXC determines if Title IX jurisdiction applies
  - If Title IX applies, TIXC will need to determine if the alleged behavior may warrant the need for Emergency Removal
- If the alleged behavior is not within Title IX jurisdiction, it could still violate institutional/district policy and be addressed under:
  - Institutional/district harassment and discrimination policies
  - Student handbook/conduct policies
  - Technology/Acceptable use policies
  - Employee handbook/conduct policies
  - Professionalism standards



# When Title IX Applies

- TIXC determines if the alleged behavior may meet the standard for Emergency Removal:
  - Does the alleged behavior pose an **imminent and serious threat** to the health and safety of the Complainant, any student, or other person?
    - As noted previously, this is a high threshold
    - To determine if an Emergency Removal is necessary, TIXC should evaluate the known information, including risk factors, using an objective referral protocol
- Institutions/Districts should consider what referral protocol will be implemented to ensure a thorough review, maintaining consistency across complaints

# When Title IX Does Not Apply or Emergency Removal is Not Under Consideration

- If Title IX does not apply, TIXC should refer the report/complaint to the appropriate institutional/district process or office
- For reports/complaints that do not rise to the level of a referral for a VRA, the institution/district should still take steps to:
  - **Provide support and resources** to the Complainant
    - Address any “downstream effects”
  - **Determine if patterns or environmental variables contributed** to the alleged incident(s)
  - **Take what action it can** (e.g., trespass the Respondent)
- The BIT/Care Team process should still be engaged to address the behavior/impact

# VRA Referral

## **Presence of one or more of the following risk factors would likely necessitate a VRA:**

- The incident(s) included physical violence resulting in injuries (e.g., strangulation, asphyxiation, punching, kicking)
- Threats to kill the Complainant or others
- Threats of future physical violence or retaliation that would result in physical harm to the Complainant or those close to the Complainant
- The incident(s) involved the use of a lethal weapon
- Allegations of ongoing stalking behaviors

# ATIXA Title IX VRA Referral Protocol

## Dating Violence (excerpt):

	Points	Description
<input type="checkbox"/>	1 Point	The reported incident(s) is recent
<input type="checkbox"/>	1 Point	The Respondent has access to weapons
<input type="checkbox"/>	2 Points	The reported behavior has escalated and/or increased in severity and/or frequency
<input type="checkbox"/>	3 Points	The Respondent has violated a no contact order, restraining order, or order of protection related to this allegation

- **0-3 total points** = Potential non-immediate threat; refer to BIT/Care Team
- **4+ total points** = Potential immediate threat; initiate VRA as part of Emergency Removal process

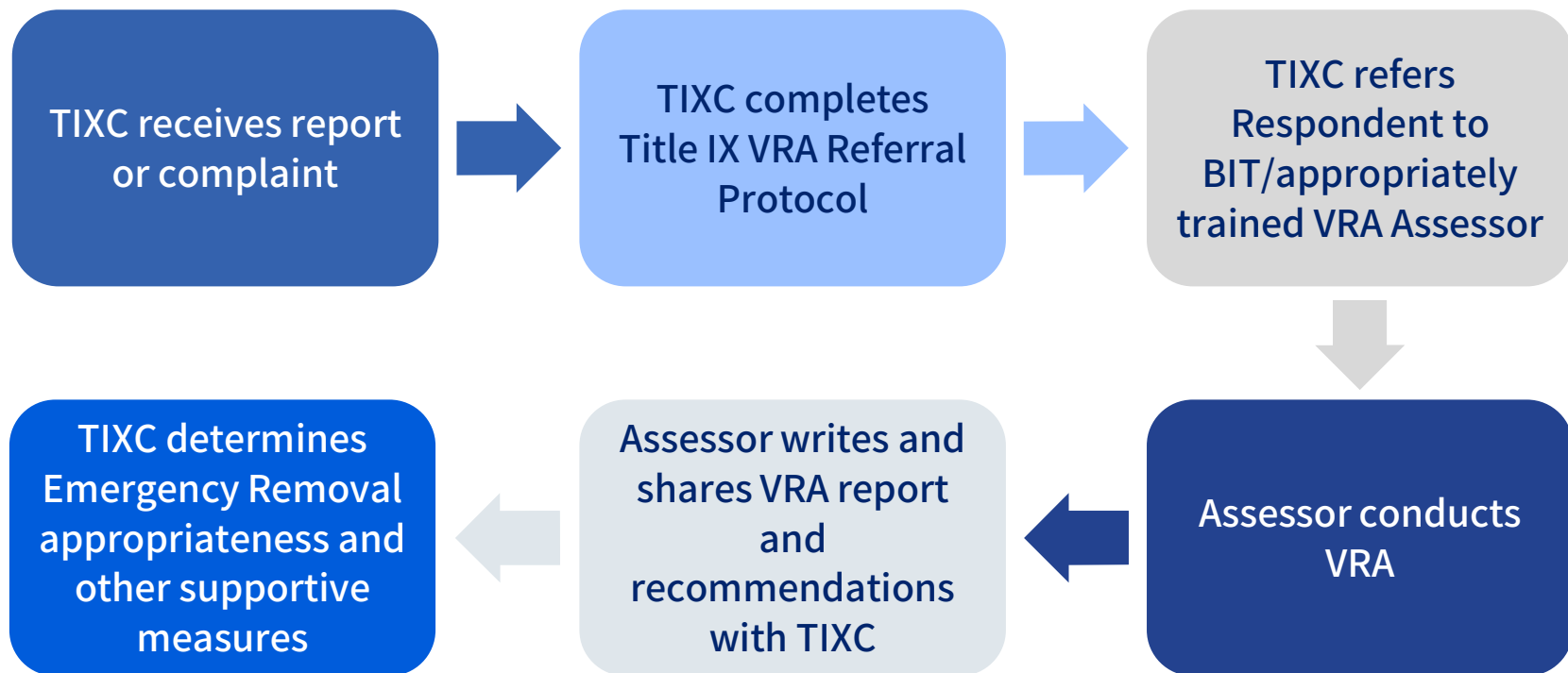
# VRA Process

# VRA Notification Process

If there is a need to initiate a VRA as part of the Emergency Removal process, **ATIXA recommends** the following steps:

1. TIXC mandates a VRA of the Respondent
  - Written notification provided to Respondent including:
    - Obligation to comply
    - Rights of Respondent
2. TIXC notifies the BIT or designated VRA Assessor and provides documentation regarding the incident(s) and/or behavior(s) that required a VRA referral
3. If the Respondent does not fully cooperate with the VRA, the Respondent is referred to the student conduct process for failure to comply

# Title IX VRA Process





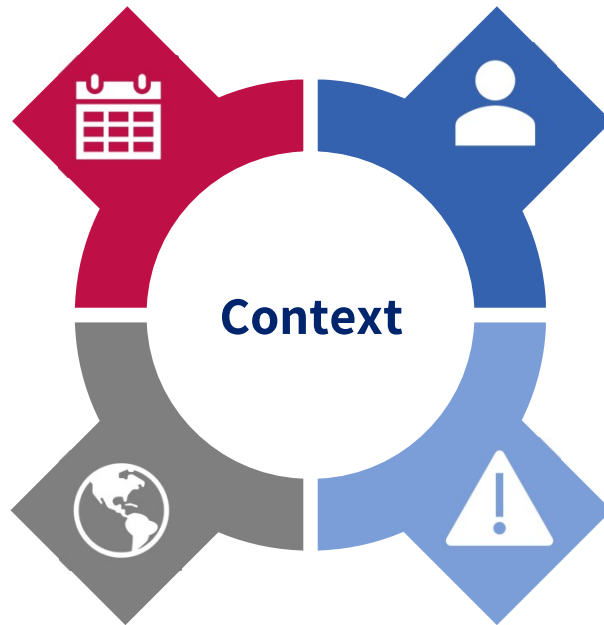
# VRA Elements

## Precipitating Events

What might have precipitated the behavior or threat?

## Cultural

What cultural factors might be at play?



## Individual

What do we know about the individual and their baseline behavior?

## Content

What type of behavior is present?

# VRA Process Considerations

- What VRA tool or protocol will be used to complete an individualized risk assessment?
  - If deploying an already made tool:
    - Was it developed using current research?
    - Has it been validated?
    - Is it reliable?
- Who will be designated to conduct the VRA?
  - What training should they obtain or have?
  - What is their availability to complete a VRA in a timely manner?

# SIVRA-35

NABITA Assessment Tool 

1. Direct threat to person/place/system
2. Has tools, plans, weapons, and/or schematics
3. Fantasy rehearsal
4. Action plan or timeframe to attack
5. Fixated/focused on target
6. Grudges/injustice collector
7. Pattern of negative writing/art
8. Leakage/warning of potential attack
9. Suicidal thoughts with plan
10. Persecution/victim mindset
11. Last act behaviors
12. Confused thoughts/hallucinations
13. Hardened point of view
14. No options/hopeless/desperate
15. Drawn or pulled to action
16. Recent break-up or stalking
17. Defensive/overly casual interview

# SIVRA-35

NABITA Assessment Tool 

18. Little remorse or bravado
19. Weapons access or training
20. Glorifies/studies violence
21. Disingenuous/externalize blame
22. Acts superior/lacks empathy
23. History of impulsive risk-taking
24. History of conflict (authority/work)
25. Extreme poor frustration tolerance
26. Trouble connecting/lacks trust
27. Substance abuse/acting out
28. Serious mental health Issues
29. If serious MH issue, not in care
30. Objectification of others
31. Sense of being owed
32. Oppositional thoughts/behaviors
33. Evaporating social inhibitors
34. Overwhelmed from loss or stress
35. Drastic behavior change

# VRA Results

- The Assessor should compile the VRA results (or scores) into a comprehensive VRA report and provide it to the TIXC at the conclusion of the assessment
- VRA report guides the Title IX and/or BIT/Care Team interventions
  - Should highlight the risk and protective factors
  - **Should clearly articulate the risk present**, including the risk factors that make it more likely the individual may engage in serious or imminent and serious violence (typically based on objective scoring)
- **VRA report provides the objective basis for Emergency Removal determination**
- Institutions/Districts should consider using a template for the VRA report to ensure consistency across reports and thorough documentation

# VRA Results Example

Risk/Protective Factor	Presence (Yes/No/Partially)	Notes
1. Direct threat to person/place/system	Yes	The interviewee stated via text message that he would kill the target if they reported the alleged abuse to the institution. Interviewee reports that they would never follow through with these statements.
3. Fantasy rehearsal	No	The interviewee reports no drawings, writings, verbal communications or thoughts about harming others. No additional information collected indicates the presence of such material.
9. Suicidal thoughts with plan	Partially	The interviewee reports passive suicide ideation, but has no plans, intention, or means.

# Emergency Removal Notification and Challenge



# Emergency Removal Notification

- If the individualized safety and risk analysis substantiates that an imminent and serious threat to the health or safety of a Complainant, or any students, employees, or other persons exists and justifies removal:
  - The institution/district must provide the Respondent:
    - **Notice of the Emergency Removal determination**  
(ATIXA recommends this be in writing)
    - **An opportunity to challenge the decision immediately following the removal**
- The Emergency Removal provision cannot be construed to modify any rights under the Individuals with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act

# Emergency Removal Challenges

- **Respondent must be allowed to challenge** the Emergency Removal decision
- Complainant may be allowed to challenge the parameters of an Emergency Removal
- 2024 Regulations do not specify level of process the must be provided to challenge an Emergency Removal
  - Institution/District will need to determine who will hear and decide challenges to an Emergency Removal while avoiding conflicts of interest for those involved in the investigation and/or Resolution Process
- Often, challenges will take the form of a “show cause meeting” or a review of documents/written statements
- **This review is not a hearing on the merits of the allegation(s)**, but rather an administrative process to determine solely whether the Emergency Removal and/or supportive measures are appropriate

# Emergency Removal Challenge Considerations

- If a challenge meeting is allowed by the school/institution policy:
  - Respondents and Complainants may be accompanied by an Advisor of their choice
    - For K-12 this only applies if Advisors are allowed by school/district policy
    - For K-12 parent/guardian may be present
- The administrator designated to make a determination about an Emergency Removal challenge should have sole discretion to implement or stay the emergency removal/supportive measures and to determine the conditions and duration
- Violation of an emergency removal/supportive measures under school/institutional policy would be grounds for discipline within the student conduct processes, which may include expulsion

# Challenge Outcome

- Emergency Removal may be affirmed, modified, or lifted as a result of a challenge or as new information becomes available
  - Provide written notice of the outcome, including a rationale
- Parties should not assume or act as though any modifications have been made to the Emergency Removal terms until such notice is received
- Notification of the outcome is final and cannot be appealed

# Questions?



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