

BUILDING THE TEAM



The Role of Conduct in Behavioral Threat Assessment and Intervention



InterACTT
— INTERNATIONAL ALLIANCE —
FOR CARE AND THREAT TEAMS

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At the heart of behavioral threat assessment and intervention is the collaborative nature of a dedicated team working together and meeting regularly to better understand the context of concerns and coordinate processes for a more effective and informed response. The conduct or discipline representative is required on the team as a best practice in behavioral intervention. The representative provides a critical perspective and process associated with the team's work.

Conduct informs the BIT/CARE process and BIT/CARE informs the conduct process. Conduct staff are one of the more central positions on a BIT and are involved in all three phases of BIT work, gathering data, analyzing risk, and selecting and monitoring interventions. The roles of conduct include:

- Communicating and maintaining expectations of the organization, including those related to disruption, threats, and failure to comply.
- Teaching and developing accountability and community responsibility.
- Conducting interventions focused on education, development, and promoting behavior change.
- Referring individuals in the conduct process to BIT/CARE.
- Managing the processes that can result in disqualification or separation from the organization.

As with each team member, issues of information sharing and finding the ideal balance between the BIT goals and departmental goals and mission take focus, time, and dedication.

Common Conduct Representatives

- K12 Schools – staff or administrative position responsible for student discipline, often an assistant principal
- Colleges and Universities – director of student conduct office
- Workplace – human resource staff responsible for employee behavioral processes

Conduct Representative Roles and Responsibilities in Each Phase of BIT

Gathering Data: Conduct representative should share the disciplinary status of the individual of concern, information about other behaviors reported, the status of open cases, previous sanctions or disciplinary interventions used with the individual, the timing of upcoming meetings and decisions, and observations/interactions with the individual. Conduct often has information about the individual, their current stressors, and what has worked well in meeting with them in the past. Because of the nature and role of the BIT team, this information typically meets the “need to know” threshold for the Family Educational Rights and Privacy Act (FERPA).

Analyzing Risk: Conduct representatives should be cross trained in violence risk and threat assessment processes and actively participate in the assessment of risk. In some cases, the conduct process may be necessary for holding individuals accountable to responding to requests related to mandatory assessments.

Interventions: When appropriate, the conduct process should continue in a parallel and coordinated manner alongside other interventions. Conduct can be an effective in communicating expectations, promoting behavior change, and developing accountability and community responsibility. When the conduct process results in separation or termination, other interventions should be identified and coordinated as supports and protections around the separation. Additionally, conduct staff can be key in preparing for the student or employee's return if a temporary separation is involved.

BIT/CARE teams should be trained in the philosophy and approach of the conduct process in the organization. Conduct processes generally follow a combination of punitive, developmental, and restorative justice approaches to behavior. A punitive approach may be as simple as paying a fine or a demotion in position. A developmental approach would include education or training sessions focused on improving behavior or performance. A restorative justice approach is used where there is harm caused to the community and the conduct process requires activities to make amends to the community they harmed.

As behaviors and concerns are shared to the BIT/CARE team, many of these will overlap with other departments represented on the team. In college settings, alcohol infractions will often involve student conduct, residential life, alcohol and other drug programs, law enforcement, and counseling. In the workplace, stalking or harassing behavior may require perspectives and processes related to human resources, conduct, counseling/EAP, and law enforcement. BIT/CARE work allows representatives from the different areas to come together and improve the existing processes each department offers in a fair and equitable manner.

BIT/CARE and conduct should operate as parallel processes. You might imagine two roads running parallel connected at different points by bridges. The bridges that connect the BIT/CARE and conduct processes are regular participation in team meetings, shared information, coordinated interventions, and common recordkeeping systems. Other organizational policies may also run in a similar parallel fashion such as disability/504, EEO/Title IX, and counseling/mental health support. For example, an individual sharing suicidal thoughts who is also disrupting the organizational processes with threats will likely have interventions related to conduct, disability, and mental health services.

Two problematic conduct strategies exist and should be avoided. As Goldilocks would say, one is too hot, and one is too cold. Actions that are too hot include zero-tolerance policies and immediate removals and separations, which limit the opportunity to gather information and maintain connection with the individual. Out of sight and out of mind is not an effective measure of safety. Actions that are too cold relate to decisions to forgo the conduct process because the individual “has so much going on already.” When looking for “just right,” a strategy of progressive conduct supports early intervention for low-level violations and ensures due process and documentation.

Legal Insights

Collaborate with Disability Services: Northern Michigan University settled with the Department of Justice in 2018 following allegations of discrimination against an individual with a disability when requiring a psychological assessment and behavioral agreement prohibiting the student from discussing suicidal thoughts or actions with other students. Self-harming behavior requires an individualized and objective assessment about ability to safely participate in activities and an exploration of reasonable modification of policy, practice, or procedure to mitigate the risk and the behavior.

Progressive Conduct is Key: In *Jain v. State of Iowa* (2000), a student committed suicide by inhaling exhaust from a moped, an item prohibited by university policy to be in the residence hall and identified previously as a potential means for self-harm. Formal conduct proceedings may have helped to ensure the moped was removed and provided another setting for discussions of concerns and incentives to seek resources and help.

Previous Conduct Interactions Can Inform Interventions: In *Schieszler v. Ferrum College* (2002), a student’s disciplinary history included sanctions related to anger management counseling, but later behaviors related to self-harm did not consider the earlier interactions which may have included information about an awareness of emotional concerns and previous incidents of suicidal ideation.

Conduct officers in their various roles have had the distinct privilege of chairing BIT teams, often leading to potential dual relationships and conflicting goals. As BIT and CARE teams have developed, more and more conduct officers have been able to move away from a leadership role or have paired with other departments (such as case management) to create a more balanced approach.

In educational environments, conduct records are considered student educational records maintained and protected in accordance FERPA. FERPA allows for the sharing of information to other school officials with legitimate educational interest and under the health and safety emergency exemption. In the workplace, employee records are maintained according to organizational policy. The conduct representative is often able to share contextual information about the case at hand to assist in determining a level of risk and identifying other involved individuals or groups that may need outreach and support.

Conduct officers should be trained in Violence Risk Assessments (VRA) as part of their job duties. These may occur as formal assessments as part of the BIT/CARE process or may be useful simply in the awareness of what to look for in terms of risk and protective factors for violence. When conducting a formal assessment, it is worthwhile to consider how performing this assessment may create a conflict if they are also in a decision-making capacity for the student or employee. Part of any VRA includes a credibility assessment, which is an area of practice that overlaps between BIT/CARE and conduct officers.

Conduct officers facilitate the conduct process, including ensuring due process and making determinations based on evidentiary standards. This awareness of policy and process implementation benefits the BIT/CARE. It is important for BIT/CARE team members to understand these concepts.

Conduct administrators can often wield the power of the conduct process to enforce requirements related to BIT/CARE assessments and interventions. Examples include interim actions or suspensions, no-contact orders, and other restrictions. This may occur when looking to require an assessment related to suicide, community disruption or related to a threatening behavior. These could occur prior to a conduct process, during the conduct process, or after the conduct process is complete (as a sanction). An example of this may be a student refusing to attend a mandated assessment for suicide or threats to others having conduct use a “failure to comply with a university official” to obtain compliance from the student.

The code of conduct applies to all students, even those with disability issues and accommodations. While no one wants to treat students who are struggling with mental illness difficulties, troubles adjusting to a college setting after serving in the military or those with physical disabilities strictly through the conduct process, there are often very important reasons to have conduct involved in the early stages of behavioral disruptions to the community. Skipping the conduct process in these cases to help a student who is having a difficult time because of physical or mental accommodation or veteran status creates real challenges for the student in terms of receiving a fair and equitable process.

Quick Tips

- Meet with conduct outside of crisis events and tense moments. Get to know each other and understand the needs that Conduct and the BIT/CARE team may have in common.
- Cross train when you are able. Spending time learning more about conduct processes and issues is a useful way to get out in front of conflicts and work more collaboratively. This is a great use of team time when the case load is not as heavy during a given week.
- Conduct and BIT/CARE benefit from integrated record-keeping so that it is quick and clear if individuals are involved in both processes.
- Training on bias mitigation and reduction helps with the identification and management of conflicts of interest between Conduct and BIT/CARE.
- BIT/CARE and Conduct should work together to closely monitor and plan for transitions in and out of the organization. Returning to the environment after time away can be a high-risk period for individuals.
- Check job descriptions to confirm that BIT/CARE responsibilities and active engagement are included for all team members.



Meet the Authors



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