Mandated Services - What Can We Require?

NABITA 2023 Case Management Summit

Featured Session A

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Agenda

1 Overview of BIT, Case Management, Student Conduct, and Disability Support
- General Philosophies
- Guiding Laws

2 Who Can Mandate
- Engaging the Conduct Process
- Engaging the BIT Process

3 Strategies for Voluntary Engagement

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The Questions at Hand

- Can we require them to meet with a case manager?
- We think they need to go to a counselor. What if they don't go?
- Can we require they get on/stay on their medication?
- We think they are going to hurt themselves/others... What can we require to make sure they don't?

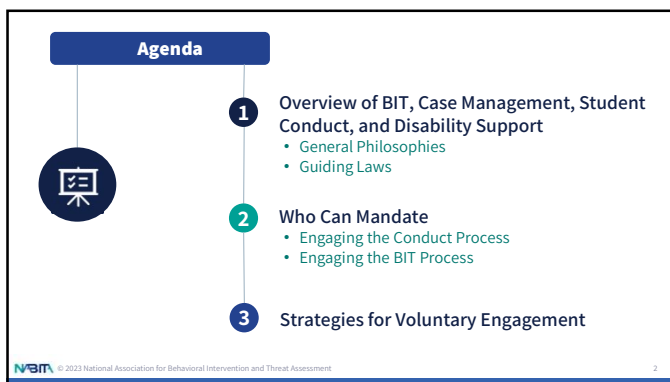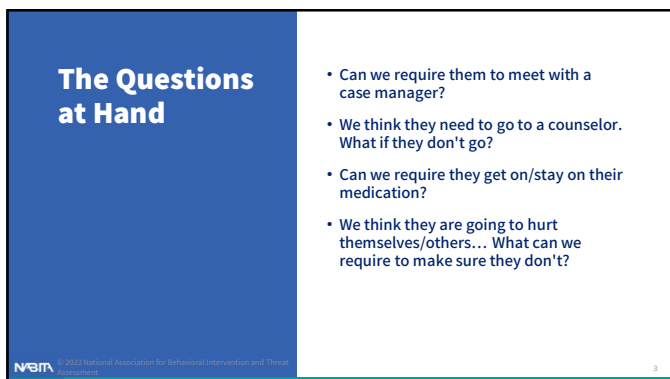© 2023 National Association for Behavioral Intervention and Threat Assessment

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Overview of BIT, Case Management, Student Conduct, and Disability Support

General Philosophies and Guiding Laws

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Defining Terms

Behavioral Intervention Team	Case Management	Student Conduct
• Respond to **all referrals** regarding behaviors **across the spectrum of risk**	• Provide **non-clinical**, **flexible**, and **creative support** to at-risk students	• Balance **education** and **accountability**
• **Assess the risk** for all referrals and **deploy interventions** to mitigate risk	• Help students **overcome obstacles** by establishing **access to resources** and engaging in **skills building**	• Focused on the **growth** of students, **preserve** the educational environment, and **safety** of the student and of the community
• **Respond holistically** to student needs	• Seek to **retain students** and providing them an environment conducive to **academic success**	• Work to **mitigate bias** when addressing potential violations of policy by providing a **consistent, equitable process**
• Increase **collaboration and communication**		

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Guiding Frameworks and Laws

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Code of Conduct

Due Process/Fundamentally Fair Process

The **student conduct office** has a *responsibility* to carry out the **student code of conduct** and to **ensure the institution's student disciplinary procedures are followed consistently and fairly**.

The **student** has the *responsibility* to **follow the code of conduct** and the **right** to **due process/fundamentally fair process** before any disciplinary action is taken.

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Dixon V. Alabama Board of Education

- **Six black students were expelled from Alabama State College for unspecified reasons**
  - Seemingly because they participated in a sit-in
  - Students argued that their due process rights were violated
- **Fifth Circuit Court ruled in favor of the students**
  - All tax-supported institutions are required to provide due process:
    - Notice
    - Hearing
  - Suggested notification of witnesses and an opportunity to review statements/evidence
- **Been referred to as "the leading case on due process for students in public higher education."**

Source: *Smith, Wilson; Bender, Thomas (2008), American Higher Education Transformed, 1940–2005, JHU Press, p. 521, ISBN 978-0-8018-8671-3*

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Student Conduct Philosophy

01 **Why We Use the Process**

Applying the Code will ensure due process for students, help mitigate bias, create a fair process for all, and hold students accountable and motivate behavior change.

02 **When to Use the Process**

Use the student conduct process to address low-level behaviors that would violate the prohibited conduct in the Code to help students learn behavioral expectations sooner.

03 **How to Use the Process**

Use structured meetings, due process, and documentation. Adjust sanctions to match the situation – don't just skip the process.

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Section 504 and ADA

- Section 504 of the Rehabilitation Act – effectively states that a student cannot be denied or excluded from an opportunity on the basis of their disability.
- Americans with Disabilities Act – requires schools and employers provide an equal opportunity for success and access by providing reasonable accommodations for individuals with disabilities.
- These laws may affect how an institution's actions to suspend, place on leave, or withdraw a student that has a of disability.
  - Protection under the law applies to those who have a documented disability, those with a history of disability, and those regarded as having a disability.

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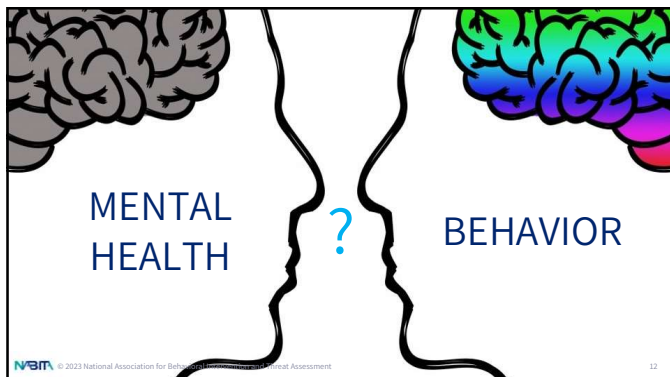
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So, Who Can Mandate?

Effective Application of the Student Code of Conduct and BIT Processes

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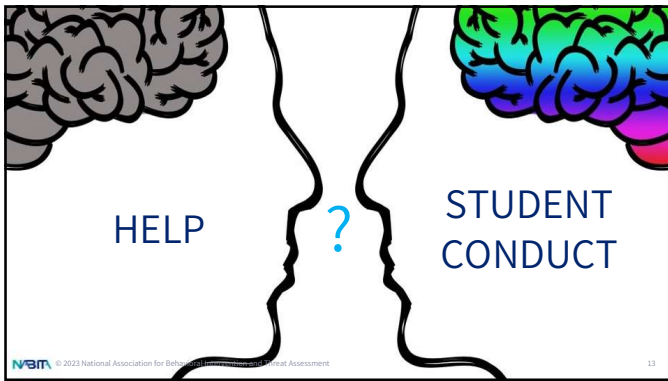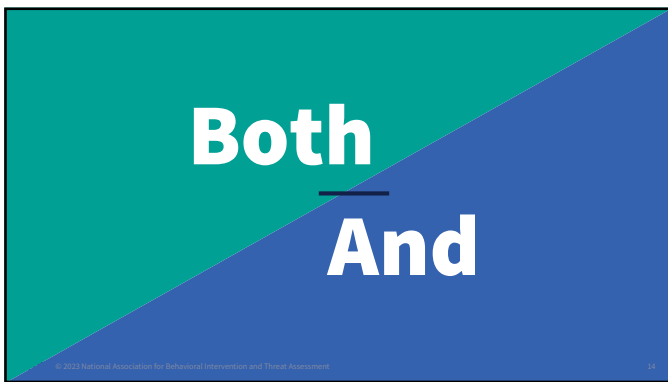
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MENTAL HEALTH ? BEHAVIOR

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HELP ? STUDENT CONDUCT

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Both
___
And

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Decision Making Flowchart

Is there a potential student conduct violation?

Common Violations Include:
Disruption to living or learning environment
Housing health/safety (e.g., hygiene, hazardous materials)
Threat to others
Abuse/Violence (e.g., physical, verbal, emotional)
Harassment/Stalking
Alcohol or other drugs

Yes

No

Mandate engagement after being found responsible for a student conduct violation

Voluntary engagement without a student conduct violation

Voluntary engagement through the BIT and/or Case Management

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Engaging the Conduct Process
How conduct can issue sanctions

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Applying the Code of Conduct

- Hold students accountable to the code of conduct by addressing the behavior, regardless of disability status/mental health diagnosis (e.g., classroom disruption, threatening behaviors, failure to comply).

- If there is a potential violation of the code of conduct, initiate the conduct process.
  - Does the behavior/reported violation warrant interim action?
  - If not, the student should proceed through the conduct process as usual and can participate in other activities/benefits (e.g., housing, class).

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Applying The Code Of Conduct

Avoid
- Skipping the conduct process and using BIT to require actions instead.
- Disparately applying charges or sanctions in the conduct process
- Policies prohibiting self-harm or suicide

To Do
- Use the BIT as "Air Traffic Control" to inform other processes/departments
- Equitably apply the code of conduct and charges
- Use sanctions to develop and educate

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Applying The Code Of Conduct

Behavioral Agreements

Student Conduct Process & Progressive Sanctions

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Applying The Code Of Conduct

What is a "behavioral agreement"?

Behavioral Agreements

- An agreement, plan, or "contract" that is presented to the student as a list of requirements with which they must comply in order to avoid student conduct action or disenrollment.
- Occurs outside of the student conduct process.
- Often includes a list of behaviors to avoid that likely would (e.g., disruption to living/learning community) and would not (e.g., speaking to other about suicidal ideation) violate the code of conduct.

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Applying The Code Of Conduct

What are examples of progressive sanctions?

Student Conduct Process & Progressive Sanctions

- Meet with a case manager
- Meet with a counselor to discuss incident and learn strategies for changing behavior
- Attend an assessment
- Restorative activities
- Opportunities for positive engagement
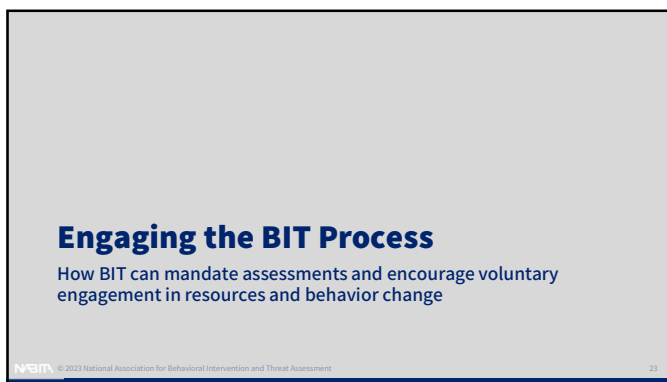- Restrictions, separations, removals

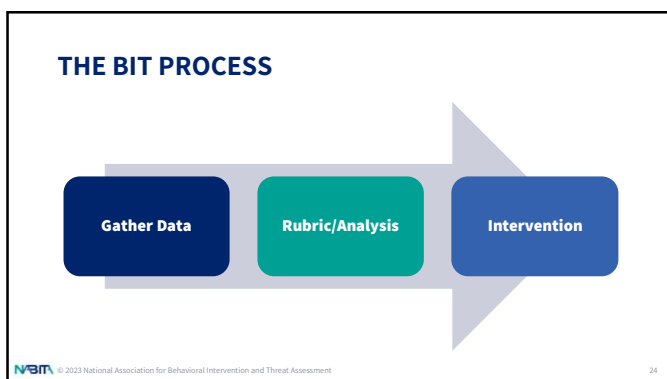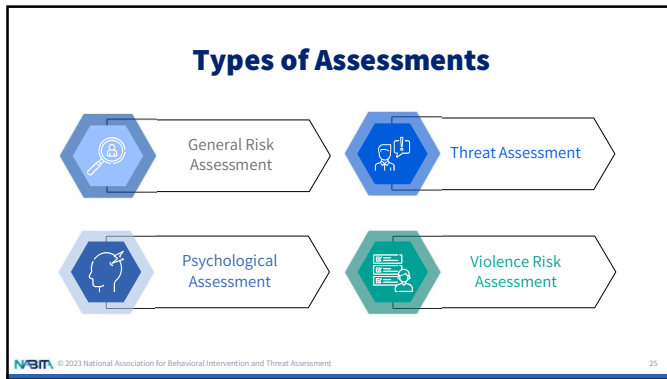© 2023 National Association for Behavioral Intervention and Threat Assessment

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Student Conduct Sanction Goals

Knowledge
Activities designed to increase a student's knowledge in areas related to the violation(s) committed.

Restorative
Activities designed to repair harms caused and give back to others or the larger community.

Wellness
Activities designed to address a student's social, emotional, financial, physical, academic, and/or environmental wellness.

Reflective
Activities designed to allow the student to reflect on one's own behavior choices and the impact of those choices on the student and others, including potential future impacts if the same choices continue.

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Engaging the BIT Process

How BIT can mandate assessments and encourage voluntary engagement in resources and behavior change

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THE BIT PROCESS

Gather Data

Rubric/Analysis

Intervention

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Types of Assessments

General Risk Assessment

Threat Assessment

Psychological Assessment

Violence Risk Assessment

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Objective Risk Rubric

- **10x** NABITA Risk Rubric
- **25x** Violence Risk Assessment of the Written Word (VRAWW)
- **50x** Structured Interview for Violence Risk Assessment (SIVRA-35) or Non-clinical Assessment of Suicide (NAS)

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CONDUCTING A VIOLENCE RISK ASSESSMENT

WHEN	WHO
▪ When the individual has crossed the elevated threshold on the NABITA Risk Rubric. ▪ When you need more information related to the individual's likelihood of engaging in violence.	▪ Anyone on the BIT with adequate training and knowledge. ▪ Someone with the ability to gather information and build rapport. ▪ Case managers, clinicians, conduct, etc., tend to be good at it.

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Using the Results

- VRA scores guide the <u>voluntary</u> interventions from the BIT
  - Case Management will likely be a recommended intervention
  - Cannot require compliance with assessment recommendations
  - BITs/Case Managers should not place interim restrictions, place holds, etc.
- VRA scores DO NOT indicate 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
  - Although VRA scores can inform these procedures, the student's behavior must warrant a separation or restriction under either the code of conduct or Title IX
    - Interim or permanent suspension or expulsion
    - Emergency removal under Title IX

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Common interventions

- Meeting with student to discuss referral
- Case management
- Referral to counseling or disability support
- Referral to other support resources (victim advocacy, health services, food pantry, financial aid, etc.)
- Academic assistance
- Parental notification
- Student Conduct response
- Welfare/Safety check
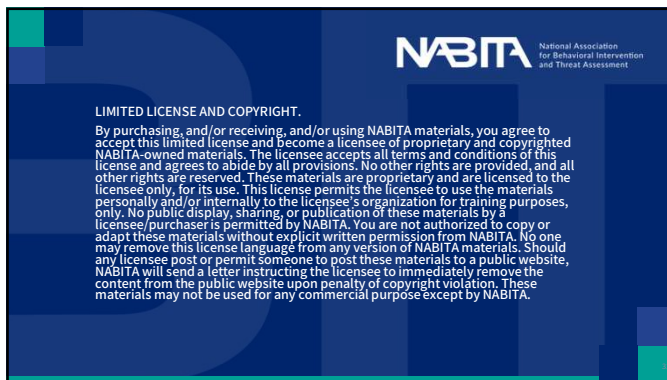- Coordination for safety

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Strategies for Encouraging Voluntary Engagement in Resources and Promoting Behavior Change

- Establish a 1:1 connection with the student
- Use a solution-focused and strengths-based approach
- Use The Skilled Helper Model
  - Explore the individual's existing situation with active listening, basic helper skills like demonstrating empathy, and effective question
  - Help the individual establish aims and goals through the use of the Transtheoretical Theory of Change and motivational interviewing skills
  - Assistance the individual to develop strategies to access resources and learn new skills
- Catch students doing well

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