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Time with IX and Talking BITs Navigating Disability-Related Concerns: Institutional Responses for Title IX and Behavioral Intervention Teams

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Outline

- Case Studies
- Overlap of Behavioral Intervention Teams (BIT), Student Conduct, Title IX (TIX), and Disability Support
- Balancing Collaboration and Communication



Case Studies

Dennis

Dennis is a first-year student at your institution. He is highly intelligent, is enrolled as an honors student, and, in high school, had outstanding credentials. He wants to go to law school and be a legal advocate for people with disabilities. Dennis has disclosed that he has an Autism Spectrum Disorder diagnosis. Dennis provided his documentation to your accessibility/disability services office and shared that he receives ongoing therapy to help him with some impulse control challenges.

When Dennis is aggravated, challenged, or simply strongly disagrees with another person, he will often engage in arm flapping, make loud, guttural sounds, and sometimes he will run around the room, out of the room, or out of the building.

Dennis (Cont.)

Dennis works hard to control his impulses, but sometimes he just loses control. This term, he is enrolled in a course called “Controversies in Politics,” and since the foundation for the course is to challenge assumptions and defend one’s position, there is high tension in the class as students debate various political positions. Dennis has frequently lost control in this class, creating significant disruption and frightening many of the students.

The faculty member and his Dean are seeking guidance about what can be done. Dennis must take this class for his major, and this is the only section offered. This course is a prerequisite for the other courses in political science. The Dean feels strongly that Dennis is not qualified to be a student at your institution.

Dennis – The Ask

Dennis is academically gifted and a very nice young man when not provoked, but his conduct is creating a disruption in class and in his residence hall. Students and parents have called your President. The Political Science Department and the Department of Residential Life want to remove him from their programs.

Dennis Discussion

- What is the best way to address this situation?
- What is the role of your BIT?
- What is the role of Disability/Accessibility Services?
- What is the role of Student Conduct?
- Who leads?

Jordan

Jordan is a motivated and academically capable college student who is actively involved in campus life. Jordan was diagnosed with epilepsy during adolescence and has experienced seizures periodically since that time.

Although medication has helped manage the condition, seizure activity has recently become more frequent due to increased academic stress, lack of sleep, and inconsistent medication timing.

Jordan is registered with the university's Disability Support Services (DSS) office and receives accommodations such as extended testing time, note-taking support, and flexibility with attendance policies.

Jordan (Cont.)

During the semester, Jordan began experiencing seizures more frequently during lectures and classroom discussions. Some seizures lasted only a few seconds and caused temporary confusion, while more severe episodes required medical attention from campus emergency responders.

These incidents began affecting:

- Classroom instruction and participation
- Peer concentration and emotional comfort
- Jordan's academic performance
- Faculty preparedness and classroom management

Jordan – The Impact

Several classmates and some professors expressed concern and uncertainty about how to respond during seizure episodes. Some students became distracted or anxious after witnessing seizures in class, especially during longer episodes that interrupted lectures.

Professors also reported difficulty balancing the continuation of instruction with ensuring Jordan's safety and maintaining a calm learning environment.

Jordan Discussion

- What is the best way to address this situation?
- What is the role of your BIT?
- What is the role of Disability Support Services?
- What is the role of Student Conduct?
- Who leads?

Taylor

Taylor is a sophomore student who has disclosed a diagnosis of Bipolar Disorder and Generalized Anxiety Disorder. Taylor is registered with the university's Disability Support Services office and receives academic accommodations.

During the fall semester, a fellow student filed a Title IX complaint alleging that Taylor engaged in repeated unwanted communication and emotionally volatile behavior following the end of a brief dating relationship. The complainant alleged:

- Excessive text messages and emails
- Repeated attempts to initiate contact after requests for space
- Emotional outbursts in public settings
- Social media posts perceived as targeted and intimidating

Taylor (Cont.)

The complainant stated that the behavior caused significant emotional distress and interfered with their sense of safety on campus.

As the Title IX investigation began, university officials became aware that Taylor's mental health condition may have contributed to difficulties with emotional regulation and impulse control during the reported incidents.

According to the complaint, Taylor struggled to accept the end of the relationship and made repeated attempts to reconcile with the Complainant. Messages often became increasingly emotional and urgent, particularly during periods of heightened stress, but did not include any threats of violence.

Witnesses described several incidents in which Taylor appeared visibly distressed, crying, yelling, or confronting the Complainant in shared campus spaces.

Taylor Discussion

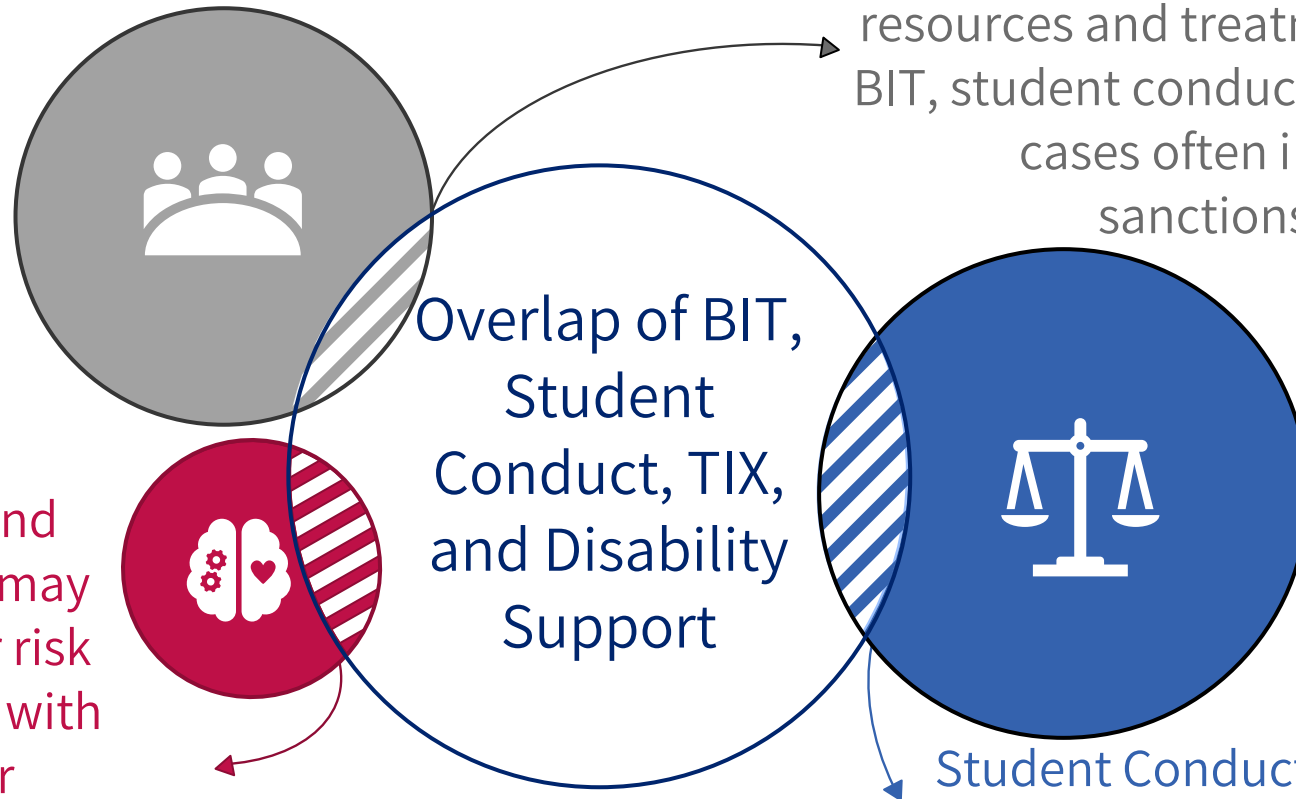
- What is the best way to address this situation?
- What is the role of your BIT?
- What is the role of Disability/Accessibility Services?
- What is the role of Student Conduct?
- What is the role of the Title IX Office?
- Who leads?



Coordinating Overlapping Processes

Overlap of BIT, Student Conduct, TIX, and Disability Support

Student Conduct, TIX, and Disability Support staff may refer students to BIT for risk assessment, assistance with supportive measures, or multidisciplinary support.



BITs provide non-clinical support and refer to resources and treatment as appropriate. While, BIT, student conduct/TIX, and disability-related cases often intersect, BIT does not issue sanctions, ongoing requirements, or accommodations.

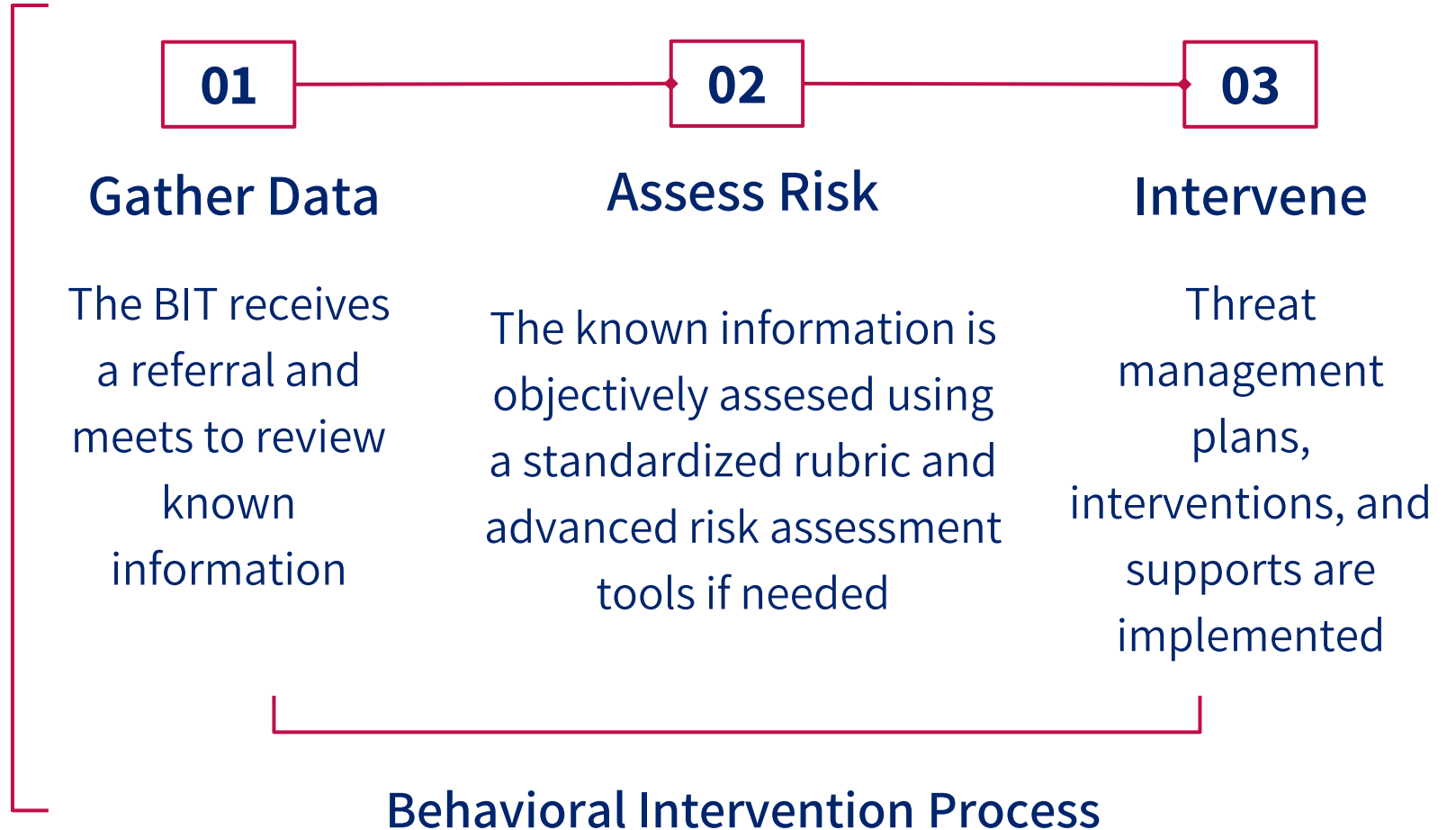
Student Conduct or TIX may require/sanction students to meet with support staff or attend educational programs.

The BIT Process

School-Wide Education

Schools can only respond to the concerns they know about.

Increased support and violence prevention starts with school-wide efforts to train faculty, staff, students, and parents to identify and refer.



Applying the Code of Conduct/ Title IX Process

- Address 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/TIX, you can initiate the appropriate process
 - Does the behavior/reported violation warrant interim action?
 - Yes: Initiate appropriate interim action
 - No: Student participates in activities/benefits (e.g., housing, class) normally while the student conduct process proceeds

Due Process Requirements

Dixon v. Alabama

- 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
- Has 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](#)

Protections for Students with Disabilities

- **Section 504 of the Rehabilitation Act** - Students cannot be denied or excluded from an opportunity on the basis of their disability
- **Americans with Disabilities Act** - Schools and employers must provide an equal opportunity for success and access by providing reasonable accommodations for individuals with disabilities
- These laws may affect how an institution acts to suspend, place on leave, or withdraw a student who has a 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
- Institutions may not discipline on the basis of the disability itself, but may address the conduct/behavior exhibited with the student conduct process

Summary of the Overlap

Disability Support for Accommodations

- Assist in accessing accommodations to mitigate risk or change behavior
- Examples:
 - Housing change
 - Schedule adjustment or other academic support
 - Classroom interventions by faculty

Mandated Assessment

- Requirement to attend risk assessment to help staff understand risk and protective factors
- Psychological Assessment vs. risk assessment
- Student permitted to remain on campus/in classes during assessment process (**exception:** conduct warranting interim actions/restrictions)

Case Management and BIT Support

- Engagement with student at the earliest signs of distress
- Helps to support student
- Assistance with accessing resources, navigating academics, etc.
- Involve other support networks such as parents/guardians




Balancing Collaboration and Communication


Information Sharing: BIT and Student Conduct




BIT and Student Conduct

Student Conduct history of students referred to the BIT 

Referrals to BIT for students interacting with the Student Conduct office who have engaged in/threatened violence, pose a risk to self/others, are experiencing distress, or need additional support 

Updates from Student Conduct on shared cases regarding pending hearings, outcomes, sanctions, etc. 

Updates from BIT on shared cases regarding changes in risk rating, interventions, additional referrals, etc. 

Referrals to Student Conduct when BIT referrals indicate egregious conduct violations, disruption to others, etc. and/or when the student does not comply with a mandated assessment 

Information Sharing: BIT and Disability Support Services

BIT and Disability Support Services

Status or updates related to registration with Disability Support Services*



Accommodations offered (e.g., academic, residential, other) and usage*



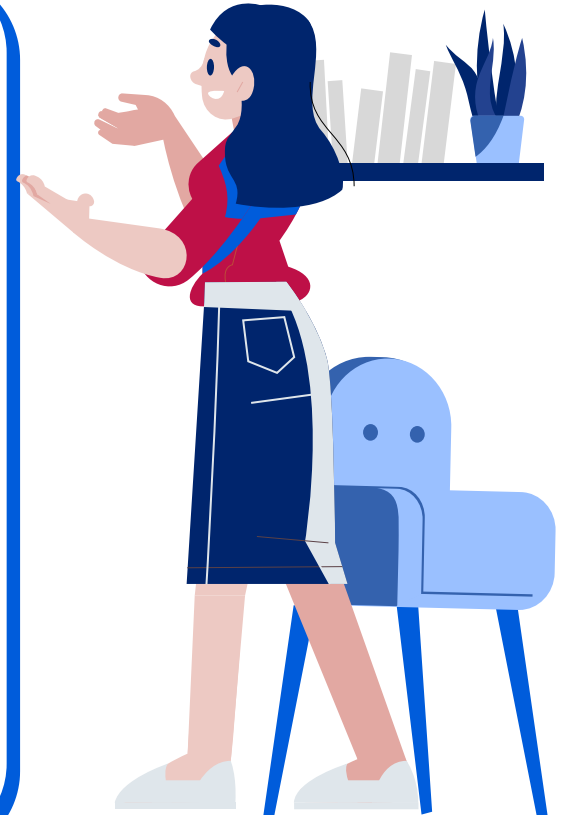
Consultation related to accommodations the BIT may need to incorporate/provide/support



Guidance related to behaviors that may be consistent with a known disability diagnosis

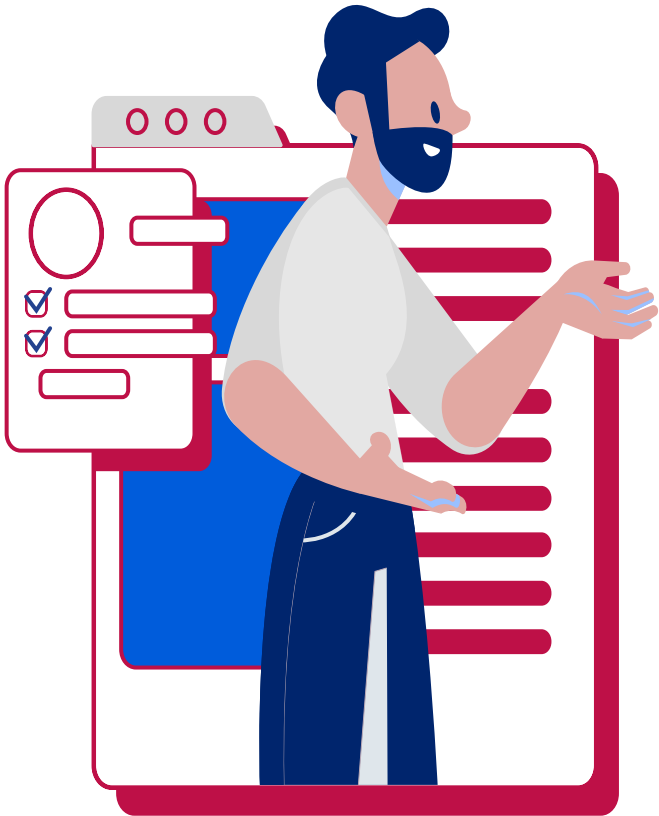


Updates from BIT on shared cases regarding changes in risk rating, interventions, additional referrals, etc.



*DSS staff should be judicious in determining what information someone has an educational need to know

Information Sharing: BIT and Title IX



BIT and Title IX

Overview of involvement in TIX process. Updates from TIX on shared cases regarding pending hearings, outcomes, sanctions, etc.



Referrals to BIT for students interacting with the TIX office who have engaged in/threatened violence, pose a risk to self/others, are experiencing distress, or need additional support



Assistance from BIT re: supportive measures



Referrals to TIX when BIT referrals indicate TIX related concerns



Updates from BIT on shared cases regarding changes in risk rating, interventions, additional referrals, etc.



Summary

	BITs	Student Conduct/ Title IX	Disability Services/ADA
Primary Goal	Prevention, support, and risk management	Policy enforcement	Equitable access to the education environment
Focus	Behavioral concerns, emotional distress, & safety	Policy violations	Individuals with disabilities
Approach	Collaborative, proactive	Due process/ fundamentally fair process	Receive documentation, coordinate accommodations
Scope	Broad risk assessment	The code of conduct/TIX Regulations and policy	Implementing accommodations
Involvement	Multidisciplinary team	Student conduct officers, investigators, TIXC	Disability support services/ADA coordinator

Stay Connected with the ATIXA and NABITA Communities

- Exchange ideas on [ATIXA's](#) and [NABITA's Member Listserv](#)
- Build skills with [ATIXA's](#) and [NABITA's 20-Minutes-to...Trained](#) video modules
- Get practical guidance at [Time with IX](#) and [Talking BITs](#) events
- Streamline your work with [TIXKit](#) and [BITKit](#) tools and templates
- Plan ahead with [ATIXA's](#) and [NABITA's](#) Training and Certification Schedule
- Expand your network in [ATIXA's](#) and [NABITA's Mentor Match](#)
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