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Title IX Coordinator- Safety and Risk Analysis (Tier 3)

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D. STAFFORD
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Title IX Coordinator

Tier 3 – Safety & Risk Analyses

- Introduction
- Title IX Emergency Removal
- FERPA, ADA, & Case Law
- The Analysis
- Logistics
- The Challenge



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Adrienne Meador Murray, Vice President, Equity Compliance and Civil Rights Services



In January 2014, Adrienne Meador Murray joined D. Stafford & Associates where she currently serves as the Vice President, Equity Compliance and Civil Rights Services after having been affiliated with D. Stafford & Associates as a part-time Associate since 2012 and the National Association of Clery Compliance Officers & Professionals (NACCOP) where she currently serves as Director of Training and Compliance Activities. Murray began her career in municipal law enforcement as a civilian employee with the City of Richmond Police Department (Virginia). She graduated from the Virginia Commonwealth University Police Training Academy and began her career as a sworn police officer for the University of Richmond (UR) Police Department (Virginia). At UR, Murray progressed through the ranks from a night shift patrol officer to Operations Lieutenant (overseeing criminal investigations, crime prevention and patrol) over the span of a decade before becoming the Chief of Police at Davidson

College in North Carolina. Most recently, Murray served as Chief of Police at Trinity Washington University (in Washington, D.C.).

As the Executive Director, Equity Compliance and Civil Rights Services for DSA, Murray builds on her 17-year career in law enforcement in which she became a nationally recognized expert in the field of best practice postsecondary institutional response to the sexual victimization of college women in the United States and in Canada. She is also a trained civil rights investigator and is well respected throughout the country for her ability to aid institutions in understating how to do best practice criminal and civil rights investigations concurrently. She is well known for her work in having provided support, advocacy and criminal investigative services for victims of sexual assault, stalking and intimate partner violence and is a sought-out speaker and investigator. She has expertise in the construction of best practice law enforcement standard operating procedures and training police officers to respond in best practice and trauma-informed ways to victims of sexual assault and intimate partner violence. In her current role, Murray coordinates curriculum development and instruction for national classes, including basic and advanced sexual misconduct investigation classes; an investigation of dating violence, domestic violence and stalking class; and a Title IX Coordinator/Investigator class offered through D. Stafford & Associates. To date, Murray has trained more than 3,500 criminal and civil rights investigators throughout the U.S.

Drawing on her experiences as a trained criminal and civil rights investigator, Murray also oversees independent investigations of complex sexual misconduct cases; conducts audits of Title IX/VAWA



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Compliance; drafts institutional sexual misconduct policies and procedures; and conducts campus-based trainings pertaining to the resolution of sexual misconduct offenses on college and university campuses. Murray frequently presents at regional and national conferences on topics such as the *Sexual Victimization of College Women*, *Understanding Consent and Incapacitation*, and *Responding to Sexual Assault on Campus: Clery Act and Title IX Implications*. Murray also conducts provincially specific sexual misconduct trainings throughout Canada.

Murray is a graduate of the University of Richmond, where she received her Bachelor's Degree in Applied Studies in Human Resource Management and of New England College, where she received her Master's Degree in Campus Public Safety Administration. Murray is also a graduate of the 235th session of the prestigious FBI National Academy where she was awarded a graduate certificate in Criminal Justice from the University of Virginia. She has authored numerous journal articles.



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Catherine Cocks, M.A.
Director, Student Affairs, Behavioral Threat Assessment and
Independent Investigation Services



Ms. Cocks has been a higher education professional for over thirty years. Her work with D. Stafford & Associates focuses on Title IX investigations and training; assessment of student affairs policies, practices and services; and behavioral threat assessment services. Cathy was the Director of Community Standards for the University of Connecticut for 14 years where she managed the student conduct process, which included managing all Title IX cases involving student respondents and chaired the University's student threat assessment team. Prior to that, she held several positions within Residential Life at the University of Connecticut and Roger Williams University.

She is a faculty member for the Association for Student Conduct Administration's (ASCA) Donald D. Gehring Academy teaching on subjects such as ethics, governance, threat assessment, media relations, and higher education trends. She was an affiliated faculty

member for many years in the University of Connecticut's Higher Education and Student Affairs Master's program teaching "The Law, Ethics, and Decision-Making in Student Affairs."

Cathy has co-authored the "Philosophy of Student Conduct" chapter in the 2nd edition of "Student Conduct Practice" (2020) and was a member of the writing team for CAS Standards' Cross-functional Framework for Identifying and Responding to Behavioral Concerns.

Cathy is a Past President of ASCA. She has also served as a Circuit representative, co-chair of the Public Policy and Legislative Issues Committee, and as a member of the ASCA Expectations of Members Task Force. Cathy has served in a variety of leadership roles in NASPA Region I.

She was the 2015 recipient of ASCA's Donald D. Gehring Award. She is a past recipient of the NASPA Region I Mid-Level Student Affairs Professional Award and the NASPA Region I Continuous Service Award.

She earned her Master's degree in Higher Education Administration from the University of Connecticut and Bachelor's degree in Communications/Media from Fitchburg State University.

INVESTIGATION CLASS ACRONYMS

- ASR:** Annual Security Report (often used as a reference to the Annual Security Report and/or the Annual Security and Fire Safety Report) that must be published by each institution of higher education.
- CSA:** Campus Security Authority—Individuals on each campus who have been identified by the Department of Education as persons who are required to report crimes that they become aware of to the Reporting Structure at each institution.
- DCL:** Dear Colleague Letter—this is a formal name of the method of communication from the Department of Education to college campuses. It is like naming their official “memo” to campuses.
- FERPA:** Family Educational Rights and Privacy Act—governs the confidentiality of student records.
- FNE:** Forensic Nurse Examiners
- GO:** General Order—some departments describe their operating procedures as general orders
- HEOA:** Higher Education Opportunity Act—the broader law that contains the Clery Act language and the fire safety and missing person language that is in the law but not contained within the “Clery Act” portion of the law.
- HIPAA:** Health Insurance and Privacy and Portability Act—governs privacy of medical records.
- MOU:** Memorandum of Understanding—an official agreement developed between agencies.
- NIBRS:** National Incident-Based Reporting System. 1 of 2 crime reporting systems developed by the FBI, but not the system that you are required to use for Clery Reporting—the only portion of this system that is used for Clery Act purposes are the 4 forcible and 2 non-forcible sex offense definitions.
- OCR:** Office of Civil Rights—the unit of the Department of Education that oversees Title IX Compliance.
- PD:** Police Department
- PS:** Public Safety
- PNG:** Persona-non-Grata—process used by some campuses not keep students from entering certain areas of the campus or the entire campus (administrative process) versus legal bar notice or trespass warning.
- SACC:** Sexual Assault Crisis Center, also known as Women’s Center.
- SANE:** Sexual Assault Nurse Examiner

SART: Sexual Assault Response Team

SOP: Standard Operating Procedures—some departments describe their operating procedures as Standard Operating Procedures. Some call them General Orders, etc...

SWA: Senior Women's Administrator (Athletics)

TWN: Timely Warning Notice

UCR: Uniformed Crime Report. This is 1 of 2 crime statistics reporting systems developed by the FBI. Institutions are required to use UCR Standards for counting and classifying crimes for reporting the Clery statistics.

VAWA: Violence Against Women Act



TITLE IX

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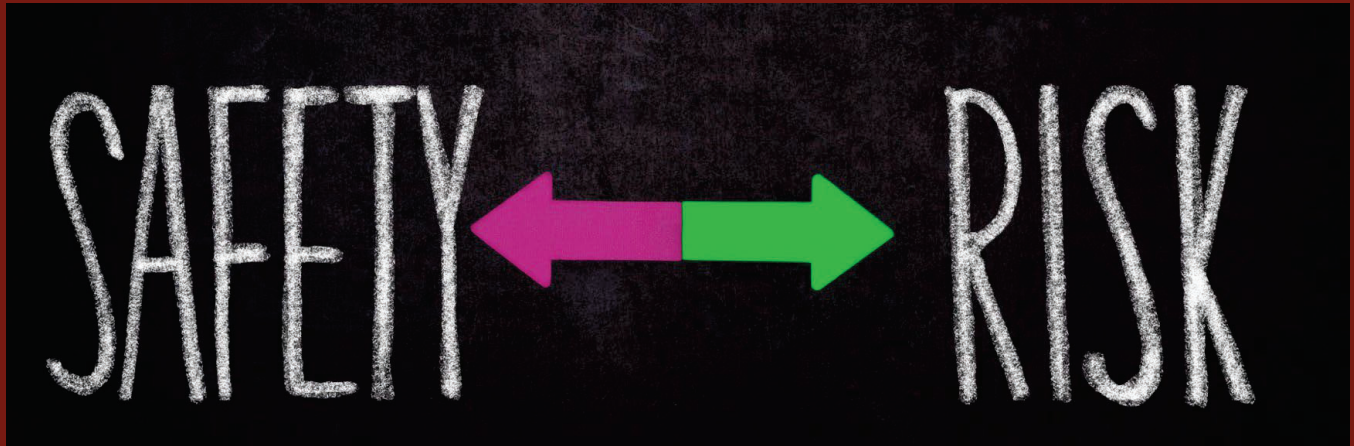
ISSUANCE OF CERTIFICATES FOR COMPLETION

To receive a certificate, attendees must attend the majority of the class and have paid class invoice in full. This applies to both in-person classes and virtual classes. We understand that attendees may need to miss class for a legitimate reason for longer periods of time or may need to leave the room during a class for a few minutes to take a phone call or attend to other business. If an attendee misses a significant amount of the class (depending on the length of the class) or they miss an attendance poll, they will not be issued a certificate of completion for the class.

Attendees should report each absence using the online form provided (each class has its own unique form that is sent to all attendees via email prior to class). Attendees should complete the form twice for each absence: once to record their departure, and again to record their return. Attendees should complete the form immediately before leaving class and as soon as practicable upon their return. If an attendee signs out but does not sign back in, they will be marked absent for the remainder of the day.

The criteria for receiving a certificate is determined based on missed class time and participation in the Attendance Polls that will be launched throughout each day of class. Attendance polls are left up for approximately 5 minutes and the instructor notifies the attendees that a poll is being launched to ensure that everyone who is present can respond to the poll. If an attendee is unable to respond to the attendance poll, the attendee would need to **immediately post "I am here"** in the chat feature within the Zoom platform. That way we can give the attendee credit for being in attendance for that specific poll. Notifying us after the attendance poll has been closed will not allow us to give the attendee credit for being in class during the poll.

Some of our classes may qualify for credit toward a Master's Degree at New England College (and regardless if you decide to seek credit or not, accreditation requirements mandate that we follow the same standards for all class attendees), so we have strict attendance standards that we follow for issuance of a certificate. For DSA & NACCOP, issuance of a Certificate of Completion is verification of attendance.



SAFETY & RISK ANALYSES



AGENDA

- Introduction
- Regulations, Guidance, & Case Law
- The Analysis
- Logistics
- The Challenge

INTRODUCTION



**Is a safety & risk
analysis the same as a
violence risk
assessment?**



VIOLENCE RISK ASSESSMENT

“Conducted by appropriately trained mental health professionals, for determining the probability of violence being perpetrated by a particular individual, in a particular environment, often in a correctional institution, locked mental health facility, or to determine the level of risk related to violence if the individual was to be released from these environments into the community.”

(Cawood & Corcoran, 2020)



Is a safety & risk
analysis the same as a
threat assessment?

THREAT ASSESSMENT

“A systematic, fact-based method of investigation and examination that blends the collection and analysis of multiple sources of information with published research and practitioner experience, focusing on an individual’s patterns of thinking and behavior to determine whether, and to what extent, a Subject is moving toward an attack. A threat assessment is not a final product, but the beginning of the management process. It guides a course of action to mitigate a threat of potential violence; merely identifying that someone is of moderate or higher concern, without developing a management strategy, does not complete this process and is not recommended.”

(FBI, 2017)

THREAT ASSESSMENT TEAMS

What they are:

- Multidisciplinary teams
- Non-adversarial community engagement
- Holistic approach
- Proactive and integrated case management
- Consult with Title IX

What they should not be:

- Discipline processes
- Conduct/hearing officers (Title IX or otherwise)
- Determiners of emergency removals

OCR TO ST. JOSEPH'S COLLEGE (NY) - JANUARY 21, 2011

“Specifically. OCR determined that the College utilized the BAC process to suspend the Student because College staff perceived her behavior as symptomatic of a mental health condition. OCR further determined that the College has only used the BAC process, in situations where it perceives that a student’s behavior are the result of a mental health condition (even if undiagnosed). OCR determined that the College has used the ‘emergency suspension’ process, which includes an SJC hearing, only when a student’s behaviors do not appear to be the result of a mental health condition.”



So, what is it?

SAFETY & RISK ANALYSIS

- This is a case-specific approach examining the current situation to determine if an imminent and serious threat to the health or safety.
- The threat arises from the allegations of sex discrimination and justifies removals.
- The respondent has the right to notice and an opportunity to challenge the decision immediately following the removal.

There may be situations where a threat assessment is also appropriate.
The safety and risk analysis concerns a possible emergency removal.

TITLE IX EMERGENCY REMOVAL



34 CFR 106.44(c) EMERGENCY REMOVAL

Nothing in this part precludes a recipient from removing a respondent from the recipient's education program or activity on an emergency basis, provided that the recipient undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

KEY TAKEAWAYS FROM THE 2020 PREAMBLE





NOT A BACKDOOR

“... is **not a substitute for reaching a determination as to a respondent’s responsibility for the sexual harassment allegations**; rather, emergency removal is for the purpose of addressing imminent threats posed to any person’s physical health or safety, which might arise out of the sexual harassment allegations.” (85 FR 30224)

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YOU DO YOU

“... the recipient should have **discretion to determine the appropriate scope and conditions** of removal of the respondent from the recipient’s education program or activity. Similarly, we **decline to require recipients to follow more prescriptive requirements** to undertake an emergency removal (such as requiring that the assessment be based on objective evidence, current medical knowledge, or performed by a licensed evaluator).” (85 FR 30224)

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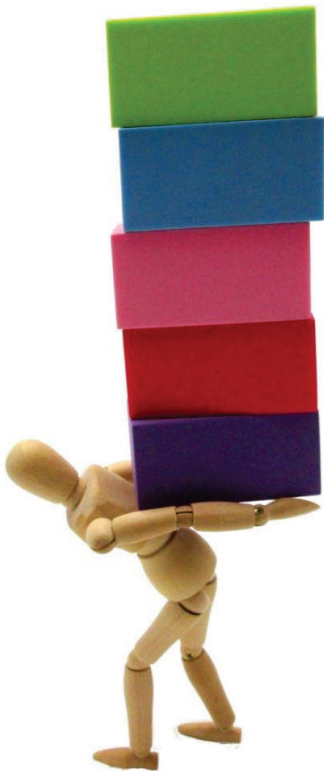


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TOMAYTO, TOMAHTO

“Rather, this provision authorizes a recipient to remove a respondent from the recipient’s education program or activity (**whether or not the recipient labels such a removal as an interim suspension or expulsion, or uses any different label to describe the removal**) when an individualized safety and risk analysis determines that an imminent threat to the physical health or safety of any person, arising from sexual harassment allegations, justifies removal.” (85 FR 30226)

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THE BURDEN

“Changing a respondent’s class schedule or changing a respondent’s housing or dining hall assignment may be a permissible supportive measure depending on the circumstances. By contrast, **removing a respondent from the entirety of the recipient’s education programs and activities, or removing a respondent from one or more of the recipient’s education programs or activities (such as removal from a team, club, or extracurricular activity), likely would constitute an unreasonable burden** on the respondent or be deemed disciplinary or punitive, and therefore would not likely qualify as a supportive measure. Until or unless the recipient has followed the § 106.45 grievance process (at which point the recipient may impose any disciplinary sanction or other punitive or adverse consequence of the recipient’s choice), **removals of the respondent from the recipient’s education program or activity need to meet the standards for emergency removals under § 106.44(c).**” (85 FR 30230)

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POST-REMOVAL CHALLENGE

“ . . . because § 106.44(c) is intended to give recipients authority to respond quickly to emergencies, and does not substitute for a determination regarding the responsibility of the respondent for the sexual harassment allegations at issue, **recipients need only provide respondents the basic features of due process (notice and opportunity), and may do so after removal rather than before a removal occurs.**” (85 FR 30226)



THREAT TO OTHERS

“ . . . if a respondent threatens physical violence against the complainant in response to the complainant’s allegations that the respondent verbally sexually harassed the complainant, the immediate threat to the complainant’s physical safety posed by the respondent may ‘arise from’ the sexual harassment allegations.” (85 FR 30225)



THREAT TO SELF

“...if a respondent reacts to being accused of sexual harassment by threatening physical self-harm, an immediate threat to the respondent’s physical safety may ‘arise from’ the allegations of sexual harassment and could justify an emergency removal.” (85 FR 30225)



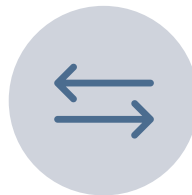
APPLES & ORANGES

“The Department appreciates commenters’ suggestion to mirror the ‘direct threat’ language utilized in ADA regulations; however, we have instead revised § 106.44(c) to refer to the physical health or safety of ‘any student or other individual’ because this language better aligns this provision with the FERPA health and safety emergency exception, and avoids the confusion caused by the ‘direct threat’ language under ADA regulations because those regulations refer to a ‘direct threat to the health or safety of others’ which does not clearly encompass a threat to the respondent themselves (e.g., where a respondent threatens self-harm). By revising § 106.44(c) to refer to a threat to the physical health or safety ‘of any student or other individual’ this provision does encompass a respondent’s threat of self-harm (when the threat arises from the allegations of sexual harassment), and is aligned with the language used in FERPA’s health or safety exception.” (85 FR 30228)

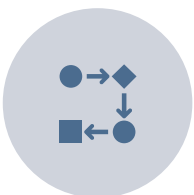
KEY POINTS



The institution has the right to take interim action when there is a threat to the health or safety of an individual (including self) or others.



There is a line when an action moves from being a supportive measure to an “emergency removal.”



The institution determines the process (must have the opportunity to challenge), scope, and conditions.



Interim actions are not long-term solutions. The clock is ticking.

FERPA, ADA, AND CASE LAW



FERPA



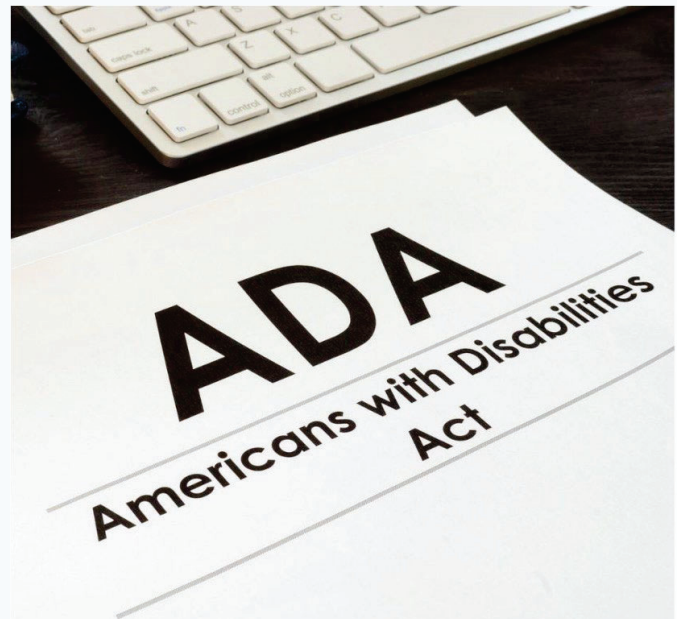
FERPA HEALTH & SAFETY EXCEPTION

“In making a determination under paragraph (a) of this section, an educational agency or institution may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. If the educational agency or institution determines that there is an **articulable and significant threat to the health or safety of a student or other individuals**, it may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals. If, based on the information available at the time of the determination, there is a rational basis for the determination, the Department will not substitute its judgment for that of the educational agency or institution in evaluating the circumstances and making its determination.” [34 CFR 99.36(c)]

FERPA - ARTICULABLE & SIGNIFICANT THREAT

“The phrase ‘articulable and significant threat’ means that a **school official is able to explain, based on all the information available at the time, what the significant threat is** under § 99.36 when he or she makes and records the disclosure. For instance, if a school official believes that a student poses a significant threat, such as a threat of substantial bodily harm to any person, including to the student, then, under FERPA, the school official may disclose personally identifiable information (PII) from the student’s education records without consent to any person whose knowledge of the information will assist in protecting a person from that threat. This is a flexible standard under which school administrators may bring appropriate resources to bear on the situation. If, based on the information available at the time of the determination, there is a rational basis for the educational agency’s or institution’s decisions about the nature of the emergency and the appropriate parties to whom the information should be disclosed, the Department will not substitute its judgment for that of the school in evaluating the circumstances and making its determination.” (FERPA FAQs - Exceptions - Health and Safety Emergency)

ADA



OCR TO SPRING ARBOR - DECEMBER 16, 2010

“Under Section 504, the ‘direct threat’ standard applies to situations where a university proposes to take adverse action against a student, **whose disability poses a significant risk to the health or safety of others**. A significant risk constitutes a high probability of substantial harm and not just a slightly increased, speculative, or remote risk. In determining whether a student poses a direct threat, the university must make an individualized assessment, based on a reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures will sufficiently mitigate the risk. The student must not be subject to adverse action on the basis of unfounded fear, prejudice, and stereotypes.”

SPRING ARBOR, CONTINUED

“Under OCR policy, nothing in Section 504 prevents educational institutions from **addressing the dangers posed by an individual who represents a ‘direct threat’ to the health and safety of others, even if such an individual is a person with a disability, as that individual may no longer be qualified for a particular educational program or activity under 34 C.F.R.. § 104.3(k)(3).**

Following a proper determination that a student poses a direct threat, an educational institution may require as a precondition to a student’s return that the student provide documentation that the student has taken steps to reduce the previous threat (e.g., followed a treatment plan, submitted periodic reports, granted permission for the institution to talk to the treating professional).

However, educational institutions cannot require that a student’s disability-related behavior no longer occur, unless that behavior creates a direct threat that cannot be eliminated through reasonable modifications.”

ADA REGULATIONS - 2011

“The term ‘direct threat’ means a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.”

CASE LAW



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GOSS V. LOPEZ

“Generally, notice and hearing should precede the student’s removal from school, since the hearing may almost immediately follow the misconduct, but if prior notice and hearing are not feasible, as where the student’s presence endangers persons or property or threatens disruption of the academic process, thus justifying immediate removal from school, the necessary notice and hearing should follow as soon as practicable.”

Goss v. Lopez, 419 U.S. 565, 566 (1975)

PICOZZI V. SANDALOW

“In this case, the deprivation was similarly limited. Sandalow neither imposed nor sought formal disciplinary sanctions. Neither did he permanently and finally bar plaintiff’s access to legal education. He simply placed a temporary and preliminary hurdle in Picozzi’s path, *pending the outcome of an administrative hearing*. He made it clear to Picozzi that the University was ready to move ahead with a hearing at his convenience.”

Picozzi v. Sandalow, 623 F. Supp. 1571, 1577 (E.D. Mich. 1986)

HILL V. MICHIGAN STATE UNIVERSITY

A riot of several thousand students was a threat to the physical facility, the faculty, and students of MSU. Although the riot was over by the time June suspended Hill on April 16 (as the fire was over before Picozzi sought to re-enroll), June perceived Hill to be a student who, despite being given warnings and being placed on probation, continued his threatening and destructive behavior. Thus, Hill presented himself as a law to himself — a destructive person. Furthermore, the risk of an unwarranted suspension was low given the police evidence of Hill’s participation and his disciplinary record at the school. The Court concludes the school’s interest in the safety of persons and property and its goal of educating students each hour and each day that school is in session outweigh Hill’s interest in being able to live on campus and attend class between April 16 and April 21.

Hill v. Board of Trustees of Michigan State University, 182 F. Supp. 2d 621, (W.D. Mich. 2001)

HAIDAK V. UMASS AMHERST

“The seven-month delay is a matter of concern. It is true that a university tends, to some extent, to go into ‘sleep mode’ over the summer. But due process is a twelve-month obligation. If the University wishes to avoid a risk of a due process violation, not to mention a violation of its own CSC, it obviously needs to establish a mechanism that allows a prompt response to complaints of this sort over the summer months.”

Haidak v. Univ. of Mass. At Amherst, 299 F. Supp. 3d 242, 267 (D. Mass. 2018)

THE ANALYSIS





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WHAT IS A THREAT?

“A threat is an expression of intent to do harm or act out violently against someone or something. A threat can be spoken, written, or symbolic - for example, motioning with one’s hands as though shooting at another person.”

O'Toole, 2000

“Perceived possibility of harm (i.e., potential danger)”

Meloy & Hoffman, 2021

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THREE THREAT CATEGORIES

Direct Threat

Clear statement of an intent to commit harm without any conditions or recourse for the intended target

Veiled Threat

Indirect, vague, or subtle statements suggesting potential harm without conditions stated to avoid the danger

Conditional Threat

Threatening statements that portend harm with conditions that can avoid a violent outcome

(Meloy & Hoffman, 2021)

FOUR AREAS TO EXAMINE



COMPLAINT



THREAT-RELATED
BEHAVIORS



THREAT
ENHANCERS



THREAT
MITIGATORS

THE COMPLAINT



What is the substance and
status of the complaint?



What are the initial threat-
related concerns?



Is there an active threat that
requires immediate action?

THE COMPLAINT



Complainant: Taylor Livingston

Respondent: Logan Aubuchon

I first met Logan last March. Logan kept insisting that we were meant to be together. I finally relented in May, and we started to date. During our relationship, Logan insisted that I share my location though Logan didn't share their location with me. Logan would accuse me of liking other people and cheating. Logan once keyed my friend Jordan's car when Logan thought that I was spending too much time with Jordan.

Last week, on Monday, October 24, I was at Logan's off-campus apartment. I wanted to go home, but Logan refused to drive me home until we had sex. I told Logan that I didn't want to, but I was afraid as I knew Logan had a gun under their pillow. I consented, and we had sex.

Logan then drove me to my residence hall. Once we got there, we went into my room. My roommate, who is afraid of Logan, saw us and immediately left. Logan wanted to have sex again, and I refused. Logan told me that if I didn't have sex, I would regret it. Logan pushed me onto the bed, took off my pants, and penetrated me. As Logan was putting on their coat, I think I saw the gun in the inside pocket.



THREAT-RELATED BEHAVIORS

- What are the threat-related behaviors that you learned when examining the complaint?
- What other information exists to cause concern for the immediate health and safety of the individual or others?
 - Remember: You are not investigating the allegations. You are collecting information specific to any immediate threat.

OTHER INFORMATION



- Text messages from Logan to Taylor:
 - Logan has threatened suicide if Taylor were to break up with Logan. The most recent text threatening suicide was three days ago.
 - Logan has threatened Taylor (“I will mess up your face so no one will want to look at you”) after seeing Taylor with Jordan (a week ago).
- The Title IX office has a withdrawn complaint from Taylor that was submitted back in August. Taylor had alleged that Logan was physically abusive. No contact letters were issued, which Logan violated. Taylor withdrew the complaint and told Title IX that it was all a misunderstanding.
- Logan has three registered guns.
- Taylor reported to Title IX today that they are afraid Logan knows something is going on. In the last two days, Logan has insisted on walking Taylor to class and then will wait outside the classroom for Taylor.



THREAT ENHANCERS

- What are the existing realities about the person of concern and the case that may increase the risk of violence?
- Are there behaviors arising from the allegations that are accelerating and causing an elevated concern?
- What are the possible triggers that could precipitate impulsive/reactive violence?
- What are the possible stressors that are causing tension or anxiety?



Logan's Threat Enhancers

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THREAT MITIGATORS

- What are the protective factors that may prevent the person of concern from committing an act of violence?
- What does their support network look like?
- What circumstances exist to reduce the likelihood of violence?

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- Document that identifies:
 - Presenting issue
 - Threat-related concerns
 - Threat enhancers
 - Threat mitigators
 - Rationale
- Complaint
- Supporting documentation



EXAMPLES & CONSIDERATIONS

- What is the action you can take that will mitigate the threat with the least harm to all involved?
- What conditions may be imposed?

LOGISTICS



PROCESS FLOWCHART

	Is there a concern about an imminent threat?	No - Do not conduct an analysis Yes - Conduct the analysis
	Analysis - Is there an imminent threat?	No - No further action with this process Yes - Proceed to emergency removal
	Determine the emergency removal	Conditions
	Challenge	Review of the challenge and determination
	Monitoring	Who is responsible for ensuring the action is imposed and monitored?
	Review - adjust as needed	As the case proceeds, review to determine if the emergency removal is still needed to address the threat



CHARACTERISTICS OF EFFECTIVE INTERIM ACTION PERSONNEL

Empathetic

Direct, firm,
and kind

Calm and
discreet

Objective

Organized with
good follow
through

Able to adjust
and adapt



PLAN

- Timing
- Attendees
- Location
- Letter and resource documents
- Contingency plans

THE LETTER

{date}

Case Number: {case number}

{respondent's name}

{respondent's address}

Dear {respondent}:

I have received information regarding your alleged involvement in a {incident date} at {incident location} involving {parties}. The incident is described as {description}.

As a result of this information, and in accordance with {institution}'s {policy name}, I am imposing an {Interim Suspension, Interim Removal from Housing, etc.}. Effective {date and time}, {identify the restriction}.

THE LETTER, CONTINUED

An interim action is not a sanction. This action is preliminary in nature and is utilized when information indicates that your presence on campus poses an immediate threat to the health and safety of others. It is in effect until the matter is resolved through the institution's resolution process.

You will face additional policy allegations if you do not comply with this administrative action.

You may challenge this decision in writing by {provide direction as to how to submit it} no later than {time} on {date}. Your challenge will be reviewed, and you will be notified of the decision.

Please do not hesitate to contact me at {contact information} if you have any questions.

Sincerely,

{signature, name, and position}

PHYSICAL ENVIRONMENT

- Other attendees
- Furniture
- Lighting
- Displayed items
- Coping tools
- Clothing
- Safety measures

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VIRTUAL ENVIRONMENT

- Not ideal
- Other attendees
- Background
- Camera on
- Privacy
- Safety measures

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THE MEETING



Explain but not
debate



Treat the person
with dignity



Be patient



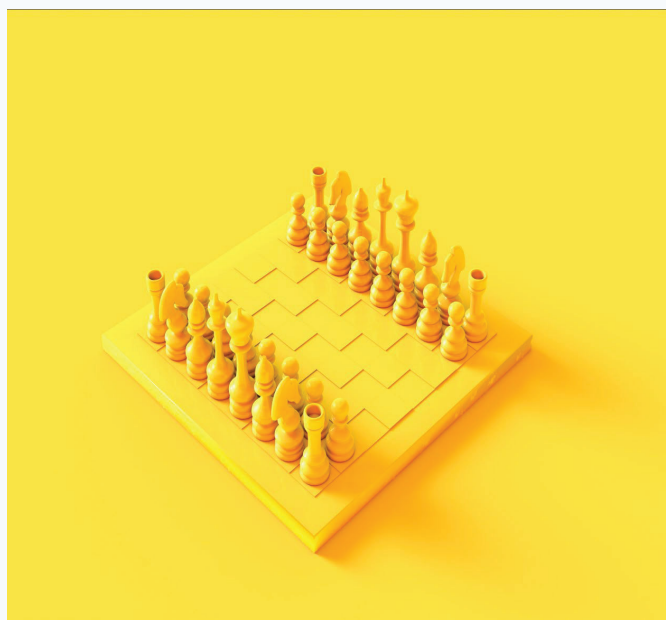
Help to problem
solve



Know where
they are going



THE CHALLENGE



POST-REVIEW CHALLENGE



Interim action is still
in effect



Notice and
opportunity to
challenge



Not a new analysis
nor a substitute of
judgment



It is a review of the
analysis and any new
information from the
respondent



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OTHER D. STAFFORD TRAINING OPPORTUNITIES

Title IX Coordinator Track

- ☐ Tier 1: Law and Policy
- ☐ Tier 2: Sex Discrimination Response
- ☒ Tier 3: Safety & Risk Analyses for Sex-Based Harassment Emergency Removals

Investigator Track

- ☐ Tier 1: Sex-Based Harassment Investigations
- ☐ Tier 2: Dating/Domestic Violence and Stalking (DVDVS) Investigations
- ☐ Tier 3: Case Study and Simulation (Interviewing)
- ☐ Tier 4: Statement Analysis
- ☐ Tier 5: Report Writing
- ☐ Tier 6: Technology & Investigations
- ☐ Tier 7: Violence Against Men

Related Offerings

- ☐ Institutional trainings
- ☐ Threat Assessment Teams
- ☐ Clery Compliance
- ☐ Procedural Justice
- ☐ Appellate Officer (www.naccop.org)
- ☐ Constructing Resolution Processes (www.naccop.org)
- ☐ Title IX Webinars (www.naccop.org)



THANK YOU





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NACCOP Title IX & Equity Alliance

The Alliance is a dedicated affinity group through which Title IX and Equity Professionals, and the practitioners who support and/or supervise them, can benefit from NACCOP's expertise in complying with the Clery Act, Title IX, and other civil rights laws that affect their work.

BENEFITS OF JOINING THE ALLIANCE

- **Access to NACCOP's annual 9 on IX webinar series at no additional cost (a \$710 value)**
 - These 60-minute succinct webinars will offer legal insight and practical guidance on Title IX topics from experts who have served or are currently serving as active practitioners on college and university campuses.
- **Alliance-Exclusive Professional Development Opportunities such as the Title IX & Equity Open House Discussion Series**
 - An Alliance-exclusive virtual open house will be held bi-monthly (every other month, 6 sessions annually) to engage with experts from NACCOP's partner organization, D. Stafford & Associates, as well as other invited guests, to discuss current trends and issues. Each open house will focus on a specific topic for discussion and participants will be encouraged to engage in the conversation.
- **Access to Alliance-Exclusive Whitepapers regarding Title VI, VII, and IX**
- **Connect and collaborate with other Title IX and Equity Professionals via an Alliance-restricted Listserv**
- **Discounted Professional Development Opportunities**
 - Coffee and Conversations webinar series and individual webinars focused on Title IX & Equity compliance issues
- **A 50% discount on the Title IX Notice Document Library developed by NACCOP's Partner Organization, D. Stafford & Associates (a \$335 value)**

Join the Alliance

Eligible individuals must have Institutional, Professional, or Committee Membership with NACCOP.

Cost: \$425 for 1 year subscription

(The first year of enrollment will be pro-rated to match the NACCOP membership expiration date.)

Request to Join: <https://naccop.memberclicks.net/join-the-alliance>

Questions? Contact us at info@naccop.org or 302-344-1068.