

7	Has the appropriate documentation been input on the five-step process spreadsheet?		
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If “no,” above, please provide an explanation below:

No.	Explanation
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Five-step Process for Training Purposes

Step	What to Do	Documentation of Assessment
<p>STEP ONE</p> <p>Conduct a prompt individualized safety and risk analysis</p>	<p>The analysis must be individualized, which means the “analysis cannot be based on general assumptions about sex, or research that purports to profile characteristics of sex offense perpetrators, or statistical data about the frequency or infrequency of false or unfounded sexual misconduct allegations.”</p> <p>Articulate the specific circumstances “arising from the allegations of sexual harassment” posing an immediate threat to a person’s (not always the Complainant’s) physical health or safety.</p> <p>Is the belief that the Respondent may pose a risk to someone’s physical health or safety concrete? How so?</p>	

	<p>Has the District met the burden of demonstrating that the removal meets the threshold for removal based on a factual, individualized safety and risk analysis?</p>	
<p>STEP TWO</p> <p>Make the required findings of:</p>		
<p>(a) an <i>“immediate threat,”</i></p>	<p>(a) Emergency removal is not a substitute for reaching a determination... rather, it is for the purpose of addressing imminent threats posed to any person’s physical health or safety.</p> <p>Ask: Is there an immediate threat that justifies and compels the emergency removal.</p> <p>Ask: What significance and weight should be applied to a Complainant’s subjective fear of a threat versus an objective reasonable person standard?</p> <p>Ask: What is the respondent’s propensity, opportunity, and ability to effectuate a stated or potential threat.</p> <p>Ask: Would supportive measures be more appropriate and a less restrictive means to negate or</p>	

	<p>sufficiently minimize the likelihood of a threat's occurrence?</p>	
<p>(b) <i>“To the physical health or safety of any student or other individual,”</i> and</p> <p>(c) <i>“Arising from the allegations of sexual harassment”</i></p>	<p>(b) Genuine emergencies involving the physical health or safety of one or more individuals [including the Respondent, Complainant, or any other individual].</p> <p>Identify the evaluation of the determination of “physical” risks of harm justifying an emergency removal and document it.</p> <p><u>If the threat is simply to the emotional health and well-being, initiate supportive measures only.</u></p> <p>The emergency situation must specifically arise from the allegations of sexual harassment. Identify and document how it does so.</p> <p>A Respondent’s threat of physical self-harm after being accused of sexual harassment could justify an emergency removal.</p> <p>Is the threat of physical harm against someone other than the Complainant? If so, the nexus may be more attenuated or less evident. Identify how the determination was made that there was a threat arising from the allegations of sexual harassment.</p>	

	Has the Respondent threatened physical self-harm after being accused of sexual harassment? If so, document how you came to this determination as it could justify an emergency removal.	
<p>STEP THREE</p> <p>Evaluate the applicability of disability laws to the removal decision</p>	<p>Identify if respondent has self-identified as having a disability and document how there has been an appropriate consideration of applicable disability laws.</p> <p>Does the documented disability warrant additional supportive measures? If so, document such here.</p>	
<p>STEP FOUR</p> <p>Consider the appropriateness of supportive measures in lieu of an emergency removal</p>	Has there been a consideration of the anticipated timing to complete an investigation and hearing, as a removal will vary in its length and impacts based upon the duration of the grievance process? Is the emergency removal still viable?	
	Before imposing a respondent's emergency removal, CAC must ensure that its action does not equate to or effectuate an improper bypassing of the prohibitions in §§ 106.44(a) and	

	<p>106.45(b)(1)(i) against imposition of sanctions or other actions that are not supportive measures without first following the § 106.45 grievance process. Can CAC ensure this? Document how.</p>	
<p>STEP FIVE</p> <p>Provide the respondent with notice and an “immediate” opportunity to challenge the emergency removal</p>	<p>If supportive measures put in place of the emergency removal, are the supportive measures not unreasonably burdensome? Document how or how not.</p> <p>Has the Notice of Removal letter been drafted?</p> <p>Has the Respondent requested a meeting with the Title IX Coordinator? If so, has the meeting been scheduled?</p> <p>Has this documentation been preserved in the Title IX case file (simplicity)?</p> <p>Has the Notice of Removal been placed in the CAC employee, respondent’s personnel file?</p> <p>Has a determination letter from the Show Cause meeting been sent to the Respondent/Complainant?</p>	