

## UM SYSTEM EMERGENCY REMOVAL SAFETY AND RISK ANALYSIS

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.

- Evaluated on the basis of whether a recipient's failure to undertake an individualized risk assessment was deliberately indifferent.
  
- **Individualized Safety and Risk Analysis**
  1. Does respondent pose an immediate threat to the physical health or safety of any student or other individual that justifies removal? \*See factors below.
  2. Does the threat arise from the allegations of sexual harassment?

*If yes to both questions, then you must provide the Respondent the opportunity to challenge the removal immediately following the removal.*

Factors to be considered may include, but are not limited to, the following:

**a. Environmental circumstances**

- i. Was a weapon involved or does Respondent have access to weapons?
- ii. Does Respondent have a history of violence or criminality?
- iii. Does Respondent have a history of domestic/intimate partner violence with Complainant or other romantic partners?
- iv. Is Respondent known to have current job or academic problems?
- v. Is Respondent known to have extreme job or academic attachment?

**b. Hopelessness and suicidality**

- i. Is Respondent actively suicidal with an expressed lethal plan or suicidal actions?
- ii. Is Respondent engaging in extreme self-injurious behaviors such as cutting, burning, or eating behaviors (binge/purge) that put them at life-threatening risk?
- iii. Is Respondent engaging in life-threatening substance use (repeated acute alcohol intoxication with medical or law enforcement intervention, multiple DUIs, chronic risky substance use)?

**c. Catalyst events**

- i. Is Respondent demonstrating poor coping skills related to an event such as failing an assignment, stress from home or family, a relationship loss, etc.? (i.e., Did Complainant break up with Respondent? Move out?)
- ii. As a result of life stress or emotional health, is Respondent's behavior destructive, increasingly disruptive (multiple incidents), or bizarre in a way that significantly impacts those around them?

**d. Nature and actionability of threat**

- i. Is Respondent engaging in impulsive violence, making serious threats of violence, or showing patterns of escalating threats? Examples include: repeated severe attacks while intoxicated or brandishing a weapon; making threats that are concrete, consistent, and plausible in reaction to an emotionally-driven event; and/or impulsive stalking that presents a physical danger.
- ii. Is Respondent making threats to kill?

**e. Fixation and focus on target**

- i. Is Respondent engaging in stalking or menacing behavior that is focused on a particular person or target?
- ii. Has Respondent articulated a specific motive for violence?
- iii. Has Respondent violated a no contact directive that was imposed as a result of the allegations filed in the Formal Complaint?

**f. Personal attributes**

- i. Is Respondent reportedly increased their time spent isolated or away from others?
- ii. Is Respondent said to have “lost touch with reality” (hearing or seeing things that are not there)? Are they reacting to dangerous delusions or paranoid beliefs which create risk of grievous injury or death? For example, a belief that the CIA is spying on them, resulting in them taking life-threatening actions (cutting through all of the electrical wires in the home, running into traffic) to prevent them from spying.
- iii. Has Respondent demonstrated a lack of empathy?
- iv. Is Respondent reported to act with a sense of entitlement or other negative traits such as a lack of conscience or irresponsibility?
- v. Is Respondent reported to have anger problems?

**g. Action and time imperative**

- i. How soon after the alleged incident was a report made to the Title IX Office, and an emergency removal being considered?
- ii. Is Respondent believed to have engaged in pre-attack planning and preparation?

**h. Other factors significant to your determination (please list)**

- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_