**Emergency Removal and Violence Risk Assessment (VRA) Protocol**

**for Title IX Coordinators**

If the alleged misconduct falls within the jurisdiction of the 2020 Title IX Regulations, a full or partial emergency removal from any educational program requires the Recipient to undertake an individualized safety and risk analysis to determine whether the Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment.[[1]](#footnote-1)

To assess an individual’s level of risk for potential, actionable violence prior to an emergency removal, the Title IX Coordinator may use the violence risk assessment process available via a referral to the Recipient’s behavioral intervention team (BIT)/threat assessment team (TAT)/CARE team, or to an outside assessor.

Violence Risk Assessment (VRA)is a broad term for the use of an interview and/or validated instrument(s) to assess the potential for violence or danger an individual may pose to others. VRAs require specific training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, student conduct professionals, or other BIT/CARE Team members.

A VRA is not an evaluation for an involuntary behavioral health hospitalization, nor is it a psychological or mental health assessment. A VRA assesses the risk of vague, conditional, and/or direct threats of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

To consider an emergency removal, and thus a referral for a VRA, the allegation of sexual harassment must indicate an immediate threat to the physical health and safety of an individual. The Title IX Coordinator should consider the following risk factors and apply them to determine whether a violence risk assessment is required. The risk factors outlined below are intended to provide direction in evaluating the need to initiate a VRA as part of the emergency removal process. Even in cases in which the allegations do not indicate an immediate threat under the Title IX Regulations, the Title IX Coordinator should still consider making a referral to the BIT/TAT/CARE Team for further assessment and intervention. Parties – and witnesses, when appropriate – in cases involving violence, threats of violence, threatening or other concerning behavior, substance abuse, or mental health issues, should be referred to the BIT. The Title IX Coordinator should collaborate with BIT/TAT/CARE members in gathering data, assessing concerns, and deploying interventions.

In any case of recent or ongoing sexual assault, domestic or dating violence, stalking, sexual harassment, or retaliation, the presence of one or more of the following risk factors would necessitate a VRA as part of the emergency removal process:

* The incident(s) included physical violence (e.g. strangulation, asphyxiation, punching, kicking) resulting in injuries
* The Respondent has made threats to kill the individual
* The Respondent has made threats of future physical violence (e.g. strangulation, asphyxiation, punching, kicking) or retaliation that would result in physical harm to the Complainant or to those close to the Complainant (including animals)
* The incident(s) involved the use of a lethal weapon

If the above risk factors are not present, use the following scoring guide to determine the need for a VRA as part of the emergency removal process:

**Sexual Assault**

* (1 point) The reported incident was recent and/or presents the potential for continued risk.
* (1 point) The reported incident involved non-consensual digital, genital, or oral penetration.
* (1 point) The acts were witnessed by other parties or recorded (audio, video, photo, streamed).
* (1 point) The Respondent has access to weapons.
* (2 points) The reported incident involved multiple Respondents.
* (2 points) There are elements of incapacitation to facilitate the assault; such as abuse of substances like alcohol, prescription drugs, illegal drugs, etc.; especially if these elements were provided by the Respondent.
* (3 points) There are multiple reported incidents involving the Respondent, now or in the past.
* (3 points) The Respondent has violated a no-contact order, restraining order, injunction for protection, or order of protection related to this allegation.
* (3 points) The reported incident involved elements of targeted, predatory behavior such as grooming behaviors, facilitating vulnerability in a target, intentionally isolating a target, direct coercive statements, or threats.
* (3 points) The Respondent has sent a picture/video/other communication of a weapon or has threatened to use a weapon.
* (4 points) The reported incident involved physical force such as physically restraining, strangulation, and/or physical violence.
* (4 points) The Respondent has made facially credible threats of physical retaliation or future harm.

\_\_\_\_\_\_\_ Total Score

0 – 3 points: Potential Non-Immediate Threat - Refer to BIT/TAT/CARE Team.

4+ points: Potential Immediate Threat - Initiate VRA as part of the emergency removal process.

**Dating and Domestic Violence**

* (1 point) The reported incident(s) is recent.
* (1 point) The Respondent has a known, unmanaged mental health condition and/or substance abuse problem.
* (1 point) The Respondent has access to weapons.
* (2 points) The reported incident(s) is repeated and/or ongoing.
* (2 points) The reported physical violence has escalated and/or increased in severity and/or frequency.
* (2 points) The Respondent has engaged in gaslighting and/or actual/emotional blackmail.
* (2 points) The Respondent controls, or attempts to control, most or all the individual's daily activities. For instance, they dictate who the individual can be friends with and/or when they can see friends and family, when and what to eat, what to wear, has control over means of communication, financial resources, etc.
* (3 points) The Respondent has violated a no-contact order, restraining order, injunction for protection, or order of protection related to this allegation.
* (3 points) The Respondent has sent a picture/video/other communication of a weapon or has threatened to use a weapon.
* (4 points) The reported dating and/or domestic violence has involved strangling, punching, kicking, bruises, cuts, or other physical injury.
* (4 points) The Respondent has made facially credible threats to kill the individual or increase physical harm in the future.

\_\_\_\_\_\_\_ Total Score

0 – 3 points: Potential Non-Immediate Threat - Refer to BIT/TAT/CARE Team.

4+ points: Potential Immediate Threat - Initiate VRA as part of the emergency removal process.

**Stalking**

* (1 point) The reported incident(s) is recent.
* (1 point) The Respondent has a known, unmanaged mental health condition and/or substance abuse problem.
* (1 point) The Respondent has access to weapons.
* (1 point) The Respondent demonstrated knowledge of the Complainant's schedule, place of residence, place of employment, or locations frequented by the Complainant.
* (2 points) The reported incident(s) is ongoing.
* (2 points) The reported stalking behavior included actual or attempted uninvited entry into the Complainant's place of residence or employment or vehicle, or the Respondent attempted to lure the complainant out of a safe environment.
* (2 points) The Respondent has engaged in spoofing, doxing, or other actual or online incursion to harm the Complainant.
* (2 points) The reported stalking behavior involves gaslighting or is related to unrequited romantic or sexual requests or a recent termination of an intimate relationship.
* (3 points) The Respondent has violated a no-contact order, restraining order, injunction for protection, or order of protection related to this allegation.
* (3 points) The Respondent sent a picture/video/other communication of a weapon, and/or has threatened to use a weapon.
* (4 points) The reported stalking behaviors have included actual violence or facially credible threats of physical violence.

\_\_\_\_\_\_\_ Total Score

0 – 3 points: Potential Non-Immediate Threat - Refer to BIT/TAT/CARE Team.

4+ points: Potential Immediate Threat - Initiate VRA as part of the emergency removal process.

**Retaliation**

* (1 point) The reported incident(s) is recent.
* (1 point) The Respondent has access to weapons.
* (1 point) The reported incident(s) is ongoing.
* (2 points) The reported retaliatory behavior(s) included actual or attempted uninvited entry into the Complainant's place of residence or employment or vehicle.
* (3 points) The Respondent has violated a no-contact order, restraining order, injunction for protection, or order of protection, or has used a third party as the instrument for such violation related to this allegation.
* (3 points) The Respondent sent a picture/video/other communication of a weapon and/or has threatened to use a weapon.
* (4 points) The reported retaliatory behavior(s) have included acts of or facially credible threats of physical violence.

\_\_\_\_\_\_\_ Total Score

0 – 3 points: Potential Non-Immediate Threat - Refer to BIT/TAT/CARE Team.

4+ points: Potential Immediate Threat - Initiate VRA as part of the emergency removal process.

**Sexual Harassment**

* (1 point) The reported incident is recent.
* (1 point) The Respondent has access to weapons.
* (1 point) The reported incident is ongoing.
* (2 points) The reported harassing behavior includes graphically violent (often sexualized) content.
* (3 points) The Respondent has violated a no-contact order, restraining order, injunction for protection, or order of protection related to this allegation.
* (3 points) The Respondent sent a picture/video/other communication of a weapon or has threatened to use a weapon.
* (4 points) The reported harassing behavior includes facially credible threats of physical violence.

\_\_\_\_\_\_\_ Total Score

0 – 3 points: Potential Non-Immediate Threat - Refer to BIT/TAT/CARE Team.

4+ points: Potential Immediate Threat - Initiate VRA as part of the emergency removal process.

In cases involving multiple incidents, the totality of the case should be considered when assessing risk.

If there is a need to initiate a VRA as part of the emergency removal process, the Title IX Coordinator should mandate a VRA and notify the Respondent in writing of the obligation to comply promptly. The Title IX Coordinator should notify the BIT/TAT/CARE Team and should provide documentation to the BIT/TAT/CARE Team regarding the incident(s) and/or behavior that required a VRA referral.

This documentation provides context and background so the assessor may conduct a thorough evaluation, but details of the case that are not pertinent to the assessment (e.g., name of the Complainant, name of other parties, other personally identifiable information) may be redacted.

If FERPA is applicable, the Title IX Coordinator should document the legitimate educational interest that permits this education record information to be shared. The Title IX Coordinator and other Title IX staff/team members should not otherwise be involved in or influence the outcome of the VRA.

If the Respondent is not inclined to fully cooperate with the VRA, the Respondent should be referred to the student conduct office for failure to comply.

Once completed, the VRA results should be transmitted by the BIT/TAT/CARE Team or outside assessor to the Title IX Coordinator. The VRA should not determine the necessity of an emergency removal but

should indicate the factors that influence the risk that the Respondent may pose. The Title IX Coordinator will then assess the criteria for emergency removal, as informed by the VRA.

In any case, even those who do not reach the threshold of an emergency removal or VRA, the Title IX Coordinator may still refer the parties (and/or witnesses) to the BIT/TAT/CARE Team. This referral process allows the BIT/TAT/CARE Team to conduct further assessment, implement outreach, assist in supportive measures, and/or engage case management services.

1. U.S. Department of Education 2020 Title IX Regulations § 106.44 [↑](#footnote-ref-1)