

Relationship Violence and Title IX Policy
Emergency Removal Procedures
Students

I. Overview

The University prohibits sexual harassment, including sexual assault, dating violence, domestic violence, and stalking as defined by the University's Relationship Violence and Sexual Misconduct and Title IX Policy ("RVSM and Title Policy").

Under the Policy, the University may remove any student from its program or activity on an emergency basis if there is an immediate threat to the physical health or safety of any student or other individual arising from allegations of prohibited conduct as set forth in the RVSM and Title IX Policy, Section X.B.

Prior to removal, the University shall undertake an individualized safety and risk analysis, and, where such analysis determines that there is an immediate threat to the physical health or safety of any student or individual, provide the party with notice of the emergency removal and an opportunity to challenge the decision immediately following the removal.

II. Procedures for Removal of Students

Upon receiving information that a student who is either a claimant or respondent under the RVSM and Title IX Policy may pose an immediate threat to the physical health or safety of any student or other individual, an individualized risk analysis will be conducted by the Title IX Coordinator or their designee. The Title IX Coordinator may consult with the University's Behavioral Threat Assessment Team ("BTAT") and/or the MSU Police Department in determining whether an immediate threat to health or safety exists.

Individualized Safety and Risk Analysis: The individualized safety and risk analysis will include consideration and analysis of the following:

- the nature, duration, and severity of the threat posed by the student;
- the probability that the threatened behavior or circumstance will occur or continue to occur; (*e.g.*, formulation of a concrete plan; access to weapons or other means of harm; etc.);
- whether the threat to a person's physical health or safety arises from allegations of prohibited conduct as set forth in the RVSM and Title IX Policy;
- whether or if there are reasonable alternatives to emergency removal that would sufficiently mitigate any risk; and
- consideration of applicable disability laws.

Removal Procedures: Following the safety and risk analysis, if the Title IX Coordinator or designee determines that a credible, immediate threat to physical health or safety exists, the Title IX Coordinator or designee will issue a written notice to the student. This written notice will indicate:

- the effective date of the emergency removal;
- the reasons for removal;

- the scope of the removal;
- the length of the removal and any conditions or requirements that must be met before the student can be reinstated;
- and the student's right to challenge and/or appeal the decision.

III. Notifications

A copy of the written notice will be sent to the Dean of the student's primary academic unit; the University Registrar (if applicable); and administrators of other University units as necessary (*e.g.*, Dean of Students Office, Residence Education and Housing services, Campus Living Services, Athletics, etc.).¹

Additionally, if an emergency removal of a student is issued under these procedures, a copy of the written notice, including the nature of the reported conduct, will also be immediately sent to MSU Police Department and the MSU Clery Act Compliance Coordinator at clery@msu.edu.

IV. Challenge and Appeal

Students who are removed under these procedures may appeal by submitting a written appeal to the Equity Review Officer (ERO) within five (5) days² of receiving written notice of emergency removal. The ERO will review the written appeal and provide a determination in writing within five (5) days of receiving the student's appeal. The ERO may consult other University administrators or experts as necessary in reaching a decision. During the pendency of the appeal, the emergency removal will remain in effect.

¹The student's parents/guardians may also be notified of the decision to implement an emergency removal when applicable.

²References to days in this document are to calendar days.