

Determining a Continuing Threat to the Health and Safety of the Community

The **Medaille College Policy Manual**, Volume II, Campus Community Policies, in **Section 2.4.10, Sanctions and Protective Measures**, provides that:

The Title IX Coordinator or their designee will determine whether interim interventions and protective measure should be implemented, and, if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include, but are not limited to: a Medaille College order of no contact, interim suspension, residence hall relocation, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved. Violations of the Title IX Coordinator's directives and/or protective measures will constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by Medaille College.

Section 2.4.6, Sexual Violence Response Policy, provides:

When the accused or respondent is a student **determined to present a continuing threat** to the health and safety of the community, to subject the accused or respondent to interim suspension pending the outcome of a judicial or conduct process. Both the accused/respondent and the reporting individual shall, upon request, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of an interim suspension, including potential modification, and shall be allowed to submit evidence in support of his or her request;

When the accused or respondent is not a student but a member of Medaille College's community and **presents a continuing threat** to the health and safety of the community, to subject the accused or respondent to interim measures in accordance with applicable bargaining agreements, employee handbooks, and rules and policies of Medaille College;

Section 2.4.9, Options for Confidentially Disclosing Sexual Violence, states:

Medaille College is obligated to issue timely warnings of crimes enumerated in the Clery Act occurring within relevant geography that represent a **serious or continuing threat to students and employees**, except in those circumstances where issuing such a warning may compromise current law enforcement efforts or when the warning itself could potentially identify the reporting individual.

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In a case where circumstances indicate an individual accused in a sexual assault investigation may constitute a **continuing threat to the health and safety of the community**, that person may be subject to interim suspension pending the outcome of the conduct process. In addition, a student may be restricted from appearing in any or all of the residences, buildings or grounds on campus if it is reasonably believed that the

student poses a **continuing threat to the health and safety of the campus community**. Other restrictions may also be imposed such as denial of access to specified campus services or programs. A student may also be barred from the entire campus if it is reasonably believed the student poses a threat to the health, safety or well-being of the College community.

The factors that determine what may constitute a **continuing threat to the health and safety of the community** will differ in every case. The Medaille College policy and procedure for determining what factors exist in any case will be for the Vice President for Academic Affairs and/or the Medaille College Title IX Coordinator and/or the Medaille College Director of Public Safety and/or the Vice President for Student Development and/or the Medaille College Director of Residence Life and Student Conduct to meet to identify those factors and make recommendation for action and/or sanction.

Article 129-B, Section 6444, Subsection 4 and 4(f) state: Every institution shall ensure that individuals are provided the following protections and accommodations:

f. When the accused or respondent is a student determined to present a continuing threat to the health and safety of the community, to subject the accused or respondent to interim suspension pending the outcome of a judicial or conduct process consistent with this article and the institution's policies and procedures. Both the accused or respondent and the reporting individual shall, upon request and consistent with the institution's policies and procedures, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of an interim suspension, including potential modification, and shall be allowed to submit evidence in support of his or her request.