



**COLLIN
COLLEGE**

Removal Challenge Officer Training

Removal Challenge Officers

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Bias and Value Neutrality

- **Unconscious bias** is a quick and often inaccurate judgment based on limited facts and our own life experiences. These judgments can give individuals and groups both unearned advantage and unearned disadvantage in the workplace. People can be biased about just about anything—not just things like gender, skin color, or age, but also things like communication style or what someone does in their free time. Unconscious bias is not intentional—it's part of the lens through which we see the world. In our everyday lives, when people don't fit our internalized expectations, we can sometimes have difficulty seeing their talents, motivations, and potential clearly—which can mean we interact with them less effectively. When we understand how biases influence our behavior, we can take action to create an inclusive culture.
- **Value Neutrality:** refers to the duty and responsibility of [a person] overcome [their] personal biases while conducting any research. It aims to separate fact and emotion and stigmatize people less. It is not only important in sociology but outlines the basic ethics of many disciplines.

Unconscious Bias <https://www.mslearning.microsoft.com/course/72169/launch>

Value Neutrality: <https://www.sociologygroup.com/value-neutrality-meaning-examples/>

Bias

- For purposes of the Title IX grievance process, the Title IX Coordinator and designated investigators, hearing officers, decision-makers, or any informal resolution facilitators must be free from the following:
 - Conflicts of interest or bias “for or against” complainants; and
 - Conflicts of interest or bias “for or against” respondents; or
 - Conflicts of interest or bias “for or against” an individual complainant; or
 - Conflicts of interest or bias “for or against” an individual respondent.

Relevance

Evidence is relevant if:

1. It has a tendency to make a fact more or less probable than it would be without the evidence; and
 2. The fact is of consequence in determining the action.
- Relevancy is not an inherent characteristic of any item of evidence, but exists only as a relation between an item of evidence and a matter properly provable in the case. Does the item of evidence tend to prove the matter sought to be proved? (As the famous legal authority McCormick put it long ago, “A brick is not a wall.”)

Examples of Relevance

- **Example:** Dolly Madison is charged with stealing costume makeup from a drugstore the night before Halloween. The prosecution wants to offer evidence that Dolly's mom had refused to buy her a Halloween costume. The evidence is relevant to prove that Dolly had a motive for stealing the makeup.
- **Example:** Same case. The prosecution also wants to call the drugstore manager to testify that the makeup department suffers more thefts than any other department of the drugstore. This testimony would be irrelevant because it does not relate specifically to Dolly.
- **Example:** Lance Sellot is charged with drunk driving. The prosecution wants to offer evidence that Lance is a member of a violent street gang. The evidence is irrelevant because the crime charged has nothing to do with gang activities. The evidence would only serve to stir up bias against Lance.
- **Example:** Clare Voyant is charged with car theft. She was arrested in her home, and the prosecution wants to offer evidence that the arresting officer found marijuana and an unregistered handgun there. Unless the prosecution can establish that the gun and drugs were somehow involved in the theft, there's nothing to connect them with the crime. Again, the evidence would do almost nothing other than predispose the judge or jury against the defendant.

Rape Shield Law

- For the live hearing, the complainant's sexual predisposition or prior sexual behavior are not relevant, unless:
 - Offered to prove someone else committed the alleged conduct; or
 - Involve specific incidents of prior sexual behavior between the two parties, and are offered to prove consent.
- Under Federal Rule of Evidence 412, VAWA, and the laws of many states, a defendant in a rape case cannot introduce evidence of the victim's sexual history in an attempt to disprove the prosecution's case, subject to some statutory exceptions.
- Some general examples include:
 - Evidence of a victim's prior sexual history
 - Evidence of a victim's sexual behaviors or sexual predisposition
 - Evidence of a victim's alleged chastity or promiscuity
 - Evidence of prior accusations by the victim

Initial Decision for Removal

- The initial decision for a removal of an employee or student will be determined by the Title IX Coordinator, the Deputy Title IX Coordinator, or the investigator.
- The Title IX Coordinator, or their designee, may consult with other Collin personnel, departments, or teams (i.e. SOBI) to assist in the individualized assessment and risk analysis.

Burden of Proof

- For purposes of investigations under the college's Title IX resolution process, the burden of gathering evidence and the burden of proof will fall on Collin College and the investigator, not on each of the parties.



Threshold for Safety and Risk: Things to Consider

- Stalking—has stalking been reported before or after the alleged incident?
- Violence—has violence ever occurred before, after or during the incident?
- Threats—have any threats ever been made?
- Weapons—were weapons used or threatened to be used?
- Was this a stranger or unknown assailant?

Removal Challenge Officer Decision

The Removal Challenge Officer's decision is final and non-appealable.

Investigator's Interim Action(s) Decision Form

Date Formal Complaint Received:

Complainant's Name:

Respondent's Name:

Investigator's Name:

Provide your individualized safety and risk analysis below. You may attach additional pages and/or documentation, if needed.

After Engaging in the Safety and Risk Analysis, the Investigator Has Determined There is an Immediate Threat to the Health or Safety of a Student or Other Individual Arising from the Allegation of Prohibited Conduct:

Yes

No

Recommended Interim Action(s):

No Contact Directive Issued to Both Complainant and Respondent

Temporary Removal (Select All That Apply):

Temporary Immediate Suspension for a Student Respondent

Temporary Removal from Collin College Student Housing for a Student Respondent

Temporary Administrative Leave for an Employee Respondent

Other Temporary Removal: _____

Other Interim Action(s): _____

Provide your rationale for the interim action(s) below. You may attach additional pages and/or documentation, if needed.

By signing below, I hereby affirm I have engaged in the individualized safety and risk analysis required by federal *Title IX* regulations and have determined that interim action(s) is appropriate in this case. Therefore, I am recommending the interim action(s) listed above to the appropriate Title IX Coordinator or designee.

Investigator's Signature: _____ Date: _____



Notice to Challenge a Temporary Removal

The appropriate Title IX coordinator or designee has approved a temporary removal as part of the interim action(s) in this case. Therefore, the respondent has the right to challenge the temporary removal immediately after it is imposed.

To challenge the temporary removal, the respondent must complete this form no later than **4:30 p.m. on DAY OF THE WEEK, MONTH DATE, YEAR (i.e., two College District business days after notice of the temporary removal)** and submit it to the investigator. The investigator will then submit the completed form to the designated removal challenge officer (RCO) along with a brief rationale explaining the individualized safety and risk analysis utilized to arrive at the temporary removal. The RCO will review the documentation, consider whether the temporary removal is appropriate, and make a decision regarding the temporary removal. The RCO will then notify the parties and investigator in writing whether the temporary removal is upheld or overturned.

Respondent's Name:

Provide your written statement, including the reason(s) you are challenging the temporary removal, below. You may attach additional pages and/or documentation, if needed.

By signing below, I hereby affirm that I am requesting to challenge the temporary removal and the information provided above is true and correct to the best of my knowledge.

Respondent's Signature: _____

Date: _____





Removal Challenge Officer's Decision

Date Formal Complaint Received:

Complainant's Name:

Respondent's Name:

Investigator's Name:

Date Removal Imposed on Respondent:

Date Respondent Submitted the *Notice to Challenge a Removal Form*:

Removal Challenge Officer's Name:

After reviewing the documentation and considering whether the removal is appropriate, the removal challenge officer has reached the decision below.

Removal Upheld

Removal Overturned

The removal challenge officer's rationale for the decision is below. Additional pages and/or documentation may be attached, if needed.

The removal challenge officer's decision regarding the removal is final and non-appealable. The removal challenge officer will notify both parties and the investigator simultaneously in writing of the decision.

Removal Challenge Officer's Signature: _____ Date: _____



Title IX Coordinator or Designee's Interim Action(s) Approval Form

Date Formal Complaint Received:

Complainant's Name:

Respondent's Name:

Investigator's Name:

Date Completed *Investigator's Interim Action(s) Decision Form* Received:

The Investigator Engaged in the Required Safety and Risk Analysis: Yes No

There is Sufficient Evidence that Indicates an Immediate Threat to the Health or Safety of a Student or Other Individual Arising from the Allegation of Prohibited Conduct Exists: Yes No

The Interim Action(s) Recommended Will Unfairly Deprive a Party of Equal Access to Collin College's Education Program or Activity: Yes No

After Reviewing the Investigator's Recommendation, I

Approve Modify as Listed Below* Do Not Approve

the Recommended Interim Action(s).

**The information below must be completed only if the interim action(s) recommended by the investigator was modified.*

Recommended Interim Action(s):

No Contact Directive Issued to Both Complainant and Respondent

Temporary Removal (Select All That Apply):

Temporary Immediate Suspension for a Student Respondent

Temporary Removal from Collin College Student Housing for a Student Respondent

Temporary Administrative Leave for an Employee Respondent

Other Temporary Removal: _____

Other Interim Action(s): _____

Provide the rationale for your decision regarding the interim action(s) below. You may attach additional pages and/or documentation, if needed.

Title IX Coordinator or Designee's Signature: _____ Date: _____