

Red Zone Primer

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Agenda

- The "Red Zone"
- Receiving Reports During the Red Zone Period
- Intake and Initial Response
- Assessing Jurisdiction

The "Red Zone"

What is the Red Zone?

- Sometimes refers to the first few weeks of the academic year, when our institutions often experience increased reports of sexual misconduct, hazing, alcohol-related incidents, interpersonal violence, and other student conduct concerns
 - Commonly associated with new and returning students entering unfamiliar social environments
- Important Reminders:
 - "Red Zone" is not a legal term or separate category of misconduct
 - Useful as a planning concept for staffing, communication, prevention, and coordinate cross-functional responses to allegations of misconduct

"Red Zone" Red Flags

- Institutions may receive a high volume of cases before procedures and protocol are fully established or finalized for the year.
- Reports may involve multiple policies and overlapping issues
- Information may be fragmented across residence life, campus safety, athletics, counseling services, and/or academic personnel
- Evidence may be especially time-sensitive (disappearing social media posts, time-limited security camera footage, etc.)
- Timely institutional responses can affect trust and rapport-building efforts across the campus community

Increased Risks During the Start of the School Year

- Transition Time for Students
 - Students may be unfamiliar with campus policies, resources, reporting channels, etc.
 - New friendships and support systems
 - Increased desire for acceptance and belonging
- Group/Peer Dynamics
 - Recruitment, initiation, and team-building activities
 - Traditions that may normalize coercion or secrecy
 - Peer pressure, power imbalances
- Campus Environment
 - Increased social events
 - Presence of alcohol and other substances
 - Off-campus gatherings
 - Social media and other online communications

Tailor Your Approach to the Size of Your Institution

- Smaller institutions
 - Designate a primary intake person
 - Establish backups for absences or conflicts of interest
 - Use a short, standard triage checklist
 - Build a simple escalation tree
 - Clarify when one employee holds multiple roles
- Larger/decentralized institutions
 - Establish a common intake protocol across offices
 - Use defined standards for handoff
 - Identify the lead office for overlapping matters
 - Reduce duplicate outreach and interviewing

The Red Zone is Underway. What Can We Do Now?

- Review the reports and concerns received during the first few weeks of 2026-2027 academic year
- Identify recurring locations, events, groups, behaviors, or barriers to reporting
- Confirm that students are receiving consistent information about policies, processes, and reporting pathways across campus resources
- Reinforce reporting and confidential resources
- Address gaps in staffing, communication, or after-hours response protocol
- Adjust prevention and education efforts based on current patterns in reports

Reflecting on the Campus Response

- Are referrals to the appropriate office occurring promptly?
- Are students receiving accurate explanations of their options?
- Are supportive measures being implemented effectively?
- Are multiple offices contacting the same student?
- Are cases stalling during handoffs?
- Are after-hours reports reaching the correct office or coordinator?

Preparing for the Next Pressure Point

- Homecoming
- Major athletic events
- Large/controversial organization-sponsored events
- Fall Break
- Halloween
- Stress around midterms and final exams

Receiving Reports during the "Red Zone" Period

Content of Reports

- Initial reports may contain limited information
 - "Something happened at a party"
 - "A student is afraid to return to their residence hall"
 - "The team made new members complete a challenge"
 - "Someone posted private information online"
 - "A student has stopped attending class"
 - "There's a video circulating on the campus Snapchat geotag"
 - "Student X's parent emailed the president and asked for the University to intervene" (and also copied the Board of Trustees)

Challenges: Undetailed Initial Reports

- Initial information received is incomplete or second-hand
- Reports submitted anonymously or through friends, parents, roommates, etc.
- Limited information (allegations might evolve as new information becomes available)
- Time-sensitive digital evidence
 - Temporary messages or posts
 - Deleted group chats
 - Edited social-media content
 - Location information
 - Event-registration records
 - Content copied or reposted without context

Intake and Initial Response

Framework for Assessment

- Receive Report
- Triage (Title IX, Hazing, Student Conduct, all of the above, some of the above?)
- Apply process (Title IX, Student Conduct, none, both?)

Intake: The First Meeting after an Initial Report (1 of 3)

- Typically the first step in the process – sets the stage
- May look different depending on the type of report & who receives it
 - Title IX?
 - Title VI?
 - Hazing?
 - Other conduct?

Intake: The First Meeting after an Initial Report (2 of 3)



- Gather
 - What is known?
 - Ask enough questions to classify the report into the applicable grievance process (who, what, where, when)
 - What information is needed for immediate triage?
 - Check immediate medical, safety, housing, and retaliation concerns
 - Is anyone currently at risk?*
- Explain
 - Your role
 - Privacy limitations
 - CAN parties be anonymous? What about Title IX Process?
 - What protections exist for retaliation?
 - Amnesty re: personal alcohol or substance consumption.
 - Applicable process and possible next steps
 - Title IX? Student Conduct? Both? None?
 - What is not yet known

*Intake: Assess for Risk

- Title IX Regulations (34 CFR 106.44(c)) provide that Institutions can remove a Respondent on an emergency basis if:
 - Individualized Safety and Risk Assessment is conducted; and
 - The Assessment finds there is an "immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment"; and
 - Respondent is given notice of the removal and an opportunity to challenge the removal.
- Key: follow procedures in your policy!

Intake: The First Meeting after an Initial Report (3 of 3)

- Support
 - Immediate supportive measures and longer-term options
 - Supportive measures that are available even without a formal process
 - Protection from retaliation
- Document
 - Information received
 - Actions taken
 - Referrals made
 - Questions requiring follow-up
- Note: Avoid pressuring complainants to sign a formal complaint at the opening meeting.

Key to Intake

- Who does the initial assessment?
 - Basic questions: Who, what, where, when, why?
 - Do they know how to issue spot?
- **Do not overpromise!** How do you set the expectations accordingly?
 - Anonymity permitted?
 - What will the process look like?
 - What rights will parties and witnesses have?
 - Which policy applies?
 - What do supportive measures look like?
- What reporting obligations need to be considered?
 - Daily crime log?
 - Clery ASR?
 - Hazing Transparency Reports?
 - State law required reports?

Intake is not the Investigation

- Ask enough questions to identify immediate needs and potential policy pathways
- Avoid exhaustive chronological questioning
- Avoid testing inconsistencies or challenging the account
- Explain that the investigator may need to obtain more detail
- Coordinate with other offices to reduce unnecessary repetition (and don't forget your FERPA obligations!)

Core Intake Questions

- Who was involved or may have relevant information?
- What is reported to have occurred?
- When did the incident(s) occur?
- Where did the incident(s) occur?
- Is the conduct continuing?
- Is there an upcoming event, class, meeting, or practice where the complainant may encounter the respondent?
- Are there immediate medical or safety concerns?
- What records, messages, or recordings may exist?
- What is the reporting person asking for as a next step or outcome for the report?
- What information remains unknown?

Screening for Safety and Welfare Concerns

- Need for emergency medical care?
- Immediate threat of harm?
- Housing or room-access concerns?
- Upcoming contact between the parties?
- Continued online contact, surveillance, or threats?
- Access to weapons?
- Academic or employment disruption?
- Risk of retaliation?
- Broader impact – concern that other campus community members may be affected?

Explaining Privacy Without Overpromising

- Explain who may receive information about the report and why
- Distinguish privacy from confidentiality
- Explain that some information may trigger institutional assessment or reporting duties
- Be candid when the next step is uncertain
- Document the explanation provided

Supportive and Interim Measures

- Academic flexibility or assistance
- Housing modifications
- Work or schedule adjustments
- Changes to classes, activities, teams, or organizations
- Campus escort or transportation options
- No-contact orders
- Counseling, advocacy, medical, or other community referrals
- Increased safety planning
- Access restrictions or emergency removal of respondent when authorized

Assessing Jurisdiction

After Intake...

- Which policy applies?
- Which office is responsible for conducting the investigation?
- What grievance process is required?
- What remedies, sanctions, and supportive measures are available?
- Do the allegations require parallel proceedings under separate grievance processes?

Separate the Jurisdiction Questions

- Could the conduct fall within an institutional policy? (Which one?)
- Could Title IX Apply?
- Does the institution have disciplinary authority over the respondent?
- Is Clery classification or geography implicated?
- Are state or federal hazing requirements implication?

Title IX Jurisdiction – Big Picture

- Is there an identified complainant?
- Is the complainant participating in or attempting to participate in the institution's program or activity at the time of the alleged misconduct?
- Could the alleged conduct meet one of the Title IX prohibited conduct definitions?
- Did the alleged conduct occur in the United States?
- Did the institution exercise substantial control over the respondent and the context in which the alleged conduct occurred?

Title IX Jurisdiction – Sample Questions

- For students: name, major, year in school
- For employees (including student employees): name, job title, department, number of months/years in the position
- Where did [alleged misconduct] take place?
- Did the [alleged misconduct] occur more than once?
- Was this an official event sponsored by [student organization]?
- Did this occur during your shift at work?
- Were you on campus when you received the text message?
- Do you believe [Respondent] was on campus when they sent the message?

Hazing Considerations

- Could the reported misconduct be connected to joining, maintaining membership in, or obtaining status within a student organization?
- Did social or organizational pressure make it difficult for a student to refuse participation?
- Did the activity create risk of physical or psychological harm?
- Was alcohol or other substance-use involved?
- Was secrecy expected?
- What is the organization's relationship with the institution?
- Could other students face continuing risk?
- What institutional, Clery, federal, or state reporting requirements apply?

Documentation

- Date, time, method of initial report
- Exact information provided in the initial report and subsequent intake meeting, including sources for the information
- Known and unknown parties and witnesses
- Immediate risks identified
- Supportive measures offered, accepted, declined, or unavailable
- Information provided about policies and grievance processes
- Referrals or notifications to other campus departments
- Rationale for key triage decisions

Questions?

Thank You

