

## **INVOLUNTARY MEDICAL WITHDRAWAL OF STUDENTS FOR PHYSICAL OR MENTAL HEALTH REASONS**

### **PURPOSE**

The purpose of this policy is to describe the University's authority to initiate a student's involuntary medical withdrawal from the University in certain extraordinary physical/mental health situations that have the potential for harm to the student or others. As a general rule, the policies and procedures articulated in the Student Conduct Regulations are the preferred method for addressing student behavior. However, the University recognizes that in some instances involving underlying medical and mental health issues, the University can more appropriately require a medical withdrawal in order to act in the best interest of the University and/or the student.

### **POLICY**

#### **SECTION A - Standards for Involuntary Administrative Action or Withdrawal**

1. A student will be subject to involuntary leave, withdrawal, or other administrative action including, but not limited to, a removal from University housing or the University, a modified enrollment or campus restrictions if it is determined, by credible and persuasive information, that the student is experiencing a physical or mental health disorder and as a result of the physical or mental health disorder behaves, or threatens to behave, in a manner which would:
  - Pose a danger of causing physical harm to self or others; or
  - Cause significant disruption to the academic or University-related activities of others; or
  - Render the student unable to live independently in University owned or leased housing or unable to provide for their own health and welfare; or
  - Render the student unable to perform the essential functions of an educational program without requiring unreasonable modification of the program.

## SECTION B - Referral for Evaluation

1. Whenever the University believes that a student may be suffering from a mental or medical disorder of the kind described in Section A, the Dean of Students/designee shall refer such student for evaluation by a physician (in the case of a medical disorder) or by a psychologist or psychiatrist (in the case of a mental health disorder). The student will be required to sign necessary releases to permit communication between the attending professional medical and/or mental health providers and the University. Depending on the situation, University officials communicating with these off-campus providers may include professionals within the University Counseling Center, Health Services, Student Affairs, Residential Life or Academic Affairs offices.
2. Any student referred for evaluation in accordance with this Section B shall be so informed in writing and shall be given a copy of this policy. The evaluation must be completed within five (5) business days from the date of the referral letter or as soon thereafter as is practicable, unless an extension is granted by the Dean of Students/designee.
3. If, upon completion of such evaluation, it is determined that the student does not meet the criteria set forth in Section A, no further proceedings shall be conducted pursuant to policy in connection with the circumstance or event that led to the referral. In every other case, the Dean of Students /designee shall initiate a hearing, pursuant to this policy, to make decisions relative to an involuntary withdrawal.
4. A student who fails or refuses to participate in or to complete an evaluation for which he or she has been referred in accordance with this Section B may be made subject to an interim administrative health leave or other administrative action in accordance with the provisions of Section D below.

## SECTION C - Hearing Procedures

1. Any student who is subject to an involuntary leave, withdrawal or administrative action and who has been referred for an evaluation in accordance with the provisions of Section B, shall be accorded a hearing within five (5) school days after such evaluation has been completed.
2. The hearing shall be informal and shall be conducted in accordance with the following guidelines:

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- a. The student will be informed in writing of the time, date and location of the informal hearing.
  - b. The entire case file, including an evaluation prepared pursuant to Section B of this policy and all other relevant reports and documents, will be available for inspection by the student in the Dean of Students' Office during normal business hours. The file need not include the personal notes of any institutional official or participant in the evaluation process that are not a part of the University's own records. Copies of any documents contained in the file shall be provided, upon his or her request, to the student.
  - c. The informal hearing shall be conversational and non-adversarial. Formal rules of evidence will not apply. The Dean of Students/designee shall exercise active control over the proceedings to avoid needless consumption of time and to achieve the orderly completion of the hearing. Any person who disrupts the hearing may be excluded.
  - d. The student shall have the right to be assisted and counseled by a person of his/her choice. This person may be present at the hearing to advise and counsel, but may not represent the student in the proceedings.
  - e. The student will be given reasonable time to ask relevant questions of any information provided at the informal hearing, as well as to present relevant information to the Dean of Student/designee.
  - f. The hearing may be conducted in the absence of a student who fails to appear after proper notice.
  - g. The Dean of Students/designee may permit a University official, and the health professional who prepared the evaluation, to appear at the hearing and to present evidence in support of any recommendation for involuntary administrative action or withdrawal. This provision may be invoked in factually complicated cases when reliance upon a written evaluation may not be sufficient.
3. The Dean of Students/designee shall render a decision relative to whether the student should or should not have imposed upon him or her an involuntary administrative action or involuntary withdrawal from the University. The Dean/designee shall decide that a student should be subject to such action or such withdrawal only upon a determination, based on credible and persuasive information that one or more of the conditions described in Section A have been shown to exist.

4. If the Dean of Students/designee decides that the student should be subject to such action or such withdrawal, he or she shall set forth his or her findings of fact and the reasons on which his or her decision is based. In the case of an involuntary withdrawal, he or she shall also state the date after which a request for re-admission will be considered and any conditions that must be fulfilled before any such request will be considered. In most cases, at least one full academic semester must have passed from the time of the withdrawal before the student is eligible to re-enroll and return to campus. The decision of the Dean of Students/designee shall be transmitted to the student.

The decision of the Dean of Students/ designee shall be final and conclusive and not subject to appeal.

## SECTION D - Interim Health Leave or Administrative Action

1. In the event that a student is transported for an emergency crisis evaluation, either voluntarily or involuntarily, a meeting with the Dean of Students/designee must occur prior to the student's return to campus. The purpose of this meeting will be to provide follow-up support and determine if further evaluation pursuant to Section B of this policy is needed.
2. An interim administrative health leave or other interim administrative action may be implemented immediately for the reasons set forth in Section B4, or whenever the Vice President or the Dean of Students/designee reasonably determines that a student may be suffering from a mental or medical disorder of the kind described in Section A and that such disorder poses a danger to person's or property.
3. The University may immediately place a student on administrative leave on an interim basis, provided that a preliminary hearing before the Dean of Student/designee be accorded prior to the interim administrative leave, unless unreasonably difficult to do so, and provided that a full hearing to determine involuntary medical leave or withdrawal be conducted in accordance with Section C of this Policy as promptly as permits and no later than ten (10) school days of such interim administrative action.

## SECTION E - Other Provisions

1. When a student withdraws from the University for medical or mental health reasons, either voluntarily or involuntarily, the withdrawal will remain in effect until such time as the student formally requests to be reinstated to the University, and presents evidence that the issues that prompted the withdrawal have been

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treated and will no longer jeopardize the health and safety of the student or the University community.

2. The Dean of Students /designee in considering an application for re-admission following such withdrawal, may request documentation from appropriate medical or mental health personnel to substantiate the student's readiness to return to active study at the University. As appropriate, the Dean of Students/designee may provide the student with written conditions (e.g., compliance with medical/mental health treatment recommendations) to be met for continued attendance.
3. When a student is medically withdrawn from the University, either involuntarily or voluntarily, the student may receive a withdrawal without academic penalty (no failing grades will be assigned) from the current semester. A notation of "W" will be placed on the transcript and the student will only be eligible for refund if they meet the requirements of the normal Withdrawal Refund Policy Schedule as established by the Office of Student Accounts.
4. Any student may waive his/her rights hereunder, including the student's right to a hearing. The Dean of Students/designee may accept a student's waiver of hearing for the purpose of resolution by agreement to voluntary leave, withdrawal or other action.

## SECTION F - Interpretation of Policy

Any questions regarding interpretation of this policy shall rest within the authority of the Vice President, Student Affairs for final determination. Any reasonable deviation from these procedures as determined by the Vice President, Student Affairs will not invalidate a decision or proceeding unless significant prejudice to a student may result.

## REVIEW

This policy shall be reviewed annually by the Office of the Vice President for Student Affairs.