

Involuntary Protective Withdrawal Policy

Effective Date: 7/12/2023

Policy Owner: VP for Student Affairs

Responsible Offices: AVP/Dean of Students Office

Policy Applicable For: Students

Purpose

The University is committed to creating a safe environment for its students and the University community. When a student can no longer remain on campus, with or without reasonable accommodations, because the student is a safety risk or they are causing repeated disruption to the university's learning environment, the student may be involuntarily withdrawn from the University. The purpose of this policy is to set forth the procedures and guidelines for involuntarily withdrawing a student.

Involuntary Withdrawal

A. Criteria for an Involuntary Withdrawal

A student may be involuntarily withdrawn if the university determines on an individualized, case-by-case basis, in accordance with the procedures listed below, that the student:

- a. Demonstrates behavior that is unreasonably disruptive to the normal educational, residential, or other activities of the University;
- b. Demonstrates behavior that endangers him/herself, or that creates an imminent and direct threat that the student may endanger him/herself, or;
- c. Demonstrates behavior that endangers others, or that creates an imminent and direct threat that the student may endanger others.

Involuntary protective withdrawal is not a substitute for appropriate disciplinary action. A student who is accused of a student conduct violation should not be diverted from the regular disciplinary process unless, as a result of medical or psychological condition, the student either lacks the capacity to respond to the charges or did not know the nature and quality of the act in question.

B. Individualized Assessment & Process

The university will make every effort to offer reasonable accommodations and support the student through an iterative process to remain on campus; however, if a student cannot safely remain at the University, even with reasonable accommodations, the University may decide to involuntarily withdraw the student. The decision on whether to impose an involuntary withdrawal will be made by a committee that includes the CARE Team and others as appropriate (the "Committee"). CARE team members include the Dean of Students, the Assistant Dean of Students for Case Management, the Director of the Center for Student Wellness, the Chief of Police, and the Vice Provost for Academic Affairs. Before determining whether to impose an involuntary withdrawal, the Committee should make reasonable efforts to discuss the possibility of withdrawal with the student.

Before the Committee makes its decision, the Committee will notify the student that the Committee is considering involuntarily withdrawing the student and the basis for the consideration. The Committee will schedule a meeting with the student (and the student's family if the student has a signed waiver indicating permission to share information) to provide an opportunity to be heard and permit the student to submit any relevant information, medical records, and other documentation. The Committee should consult with appropriate medical, psychological, or academic resources to determine if any reasonable accommodations exist prior to considering involuntary withdrawal.

An advisor may appear with the student, but may not speak for the student. If a student chooses to use an advisor, the student must notify the Committee at least two (2) University business day prior to the meeting. The student must inform the Committee at that time whether the advisor is an attorney or health care provider.

When the University seeks to involuntarily withdraw a student on the basis that the student cannot safely remain on campus, the Committee will make an individualized assessment based upon all information presented to the committee.

The Committee's risk assessment will include:

- The nature, duration, and severity of the risk;
- The probability or likelihood that potential injury or harm will occur;
- The nature, duration, and number of incidents and their impact on the educational process; and
- Whether reasonable accommodations, which are agreed upon by the student and the University, will sufficiently mitigate the risk.

The Committee may involuntarily withdraw the student if it finds the student imposes a significant risk of harming themselves or another individual, and such a risk cannot be reduced to an acceptable level through reasonable accommodations accepted by the student and the University.

In cases of emergency, where safety is of immediate concern, the Committee may set interim conditions for the student while completing the assessment. The Committee will give the student notice of the Committee's actions and will provide steps for promptly moving forward with the appropriate procedure and process.

Should the Committee determine that it is in the best interest of the student and/or the University community that the student be involuntarily withdrawn, the student will be informed in writing of this determination, appeal rights, and requirements for reinstatement.

C. Appeal Procedures

To appeal, the student must submit a written request to the Vice President of Student Affairs ("VPSA") within three (3) University business days from the date of receipt of the Committee's determination letter. A meeting between the VPSA (or designee) and the student to discuss the appeal should be scheduled as soon as possible following the request. The student may bring an advisor to the meeting, but the advisor may not speak for the student. The student must notify

the VPSA (or designee) one (1) University business day prior to the meeting if the student plans to bring an advisor. The student must inform the VPSA at that time whether the advisor is an attorney. The student must authorize the VPSA (or designee) to access relevant materials deemed necessary to consider the appeal. If the student refuses to grant access to the records, the meeting will proceed without the requested information. Failure of the student to provide the requested, relevant information may be used by the VPSA as an adversarial reference to the student's claims.

At the conclusion of the meeting, the Vice President for Student Affairs or designee shall determine whether to (a) uphold the withdrawal; (b) reinstate the student; or (c) reinstate the student subject to specified conditions that may include without limitation participation in an ongoing treatment program, acceptance of and compliance with a behavioral contract, a housing relocation, reduced course load or any combination thereof. The Vice President for Student Affairs or designee may also modify the conditions of readmission.

The VPSA (or designee) will inform the student in writing of its decision and reasons for the decision, as soon as practical following the meeting. The decision of the VPSA (or designee) is effective upon being issued to the student and is final.

D. Impacts of Imposing Involuntary Withdrawal

The University will make reasonable efforts to refer the student to appropriate mental and medical health services, but is not responsible for the cost of such treatment.

The University may take reasonable steps to minimize financial and academic loss through such means as prorated refund of housing and academic fees.

Specific academic departmental issues regarding reinstatement to a program and scholarship maintenance will be addressed on an individual basis and facilitated by the Dean of Students (or designee). International Services will also consult with students who are present on F-1 or J-1 visa. Finally, students who have purchased the University's Student Health Insurance should be aware that their coverage will end the following semester if they are not re-enrolled in classes by then.

E. Reinstatement

Prior to returning to or enrolling at the University, a student who has been voluntarily or involuntarily withdrawn must submit a written plan that identifies how the student will resume their status at the University in accordance with the conditions of readmission. The plan must respond to the condition that gave rise to the need for the student's involuntary withdrawal (i.e., need for ongoing medical or psychological care, ability to maintain a standard of responsibility and self-care; ability to assume class participation). If the student will reside in the residence halls, the plan must also state how the student will transition back into this community. In consultation with the CARE team and appropriate academic officials at the university to determine the student's eligibility for readmission, the Vice President of Student Affairs, or designee, will review the student's plan to determine on an individualized, case-by-case basis whether or not the student's request to re-enroll at that time shall be granted or denied by taking into consideration all of the relevant factors and information presented. The Vice-President (or designee) should make every attempt to meet with the student and/or his or her parents prior to re-enrollment to discuss the student's transition back to campus.