

INVOLUNTARY MEDICAL WITHDRAWAL

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I. PURPOSE

One of the University's purposes is to ensure equality of educational opportunity while fostering an environment that promotes education, research, service, and the growth and safety of all members of its community. From time to time University officials become aware of a student who may be seriously interfering with this purpose because of a mental, emotional, or psychological health condition. In these situations, University officials may consider the appropriateness of (1) utilizing the regular student conduct system, or (2) involuntary examination, hospitalization, and treatment for mental illness under state law. In addition to, or instead of, either of those procedures, the matter may be handled as a potential medical withdrawal according to the standards and procedures described in this policy.

Involuntary medical withdrawal is not a substitute for appropriate disciplinary action. A student suffering from a mental disorder who is accused of a disciplinary violation should not be diverted from the disciplinary process unless, as a result of the mental disorder, the student either lacks the capacity to respond to the charges, or did not know the nature and quality of the act in question. Further, this policy should not be used to dismiss socially or politically "eccentric" students who have not otherwise engaged in behavior which poses a danger to themselves or to others, or which substantially disrupts normal University activities.

Involuntary medical withdrawal should be reserved for those cases where interim measures, such as a behavioral agreement, are deemed inappropriate, or cannot be agreed upon by the student and the University.

II. STANDARD

- a. A student will be subject to involuntary medical withdrawal if the Medical Withdrawal Panel concludes that, in its professional judgment, the student is suffering from a mental, emotional, or psychological health disorder and, as a result of this disorder, engages, or threatens to engage, in behavior which poses a significant danger or threat. In making this determination, the Coordinator, in consultation with the Medical Withdrawal Panel, will make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain: The nature of the risk,
- b. The duration of the risk,
- c. The severity of the risk,
- d. The probability that the potential injury will actually occur;
- e. Whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk, and
- f. If such behavior substantially impedes the lawful activities of any members of the University community, or the educational processes or proper activities or functions of the University or its personnel.

III. COMPOSITION OF THE MEDICAL WITHDRAWAL PANEL

The Medical Withdrawal Panel will consist of the following members:

- a. The Medical Director of the Student Health Service or designee;
- b. The Director of the Counseling and Testing Center;
- c. The Director of Undergraduate Student Excellence, who will also act as chair of the panel.

IV. COMMENCEMENT OF THE INVOLUNTARY MEDICAL WITHDRAWAL PROCESS

The Vice Chancellor for Student Affairs or designee shall appoint a staff member to act as Coordinator of the involuntary medical withdrawal process.

Any member of the University community, who has reason to believe that a student may meet the standard for involuntary medical withdrawal described in section 2, may contact the Office of Student Affairs. The Coordinator should conduct a preliminary, informal review and determine whether the matter should be referred to the Medical Withdrawal Panel. If, in the Coordinator's judgment, the student does not meet the standard for involuntary medical withdrawal, this process will terminate, and the Coordinator may take any other action deemed appropriate, including initiating disciplinary action or recommending that the student seek treatment.

If, in the Coordinator's judgment, the student may meet the standard for medical withdrawal, the Coordinator will arrange for a conference with the student. At that conference the Coordinator will:

- a. describe the report;
- b. explain this policy and provide the student with a copy;
- c. inform the student that the student must meet with a designated mental health professional within a specified time for an evaluation;
- d. inform the student that failure to meet with the mental health professional may result in conduct action under the *Student Code of Conduct* for "Failure to comply with directions of University Officials."

V. EMERGENCY INTERIM WITHDRAWAL

An interim medical withdrawal may be implemented immediately by the Coordinator if the Coordinator determines that the student may be suffering from a mental disorder and the student's behavior poses a significant danger of causing imminent physical harm or of directly and substantially impeding the lawful activities of other members of the campus community. A student withdrawn on an interim basis shall be given an opportunity to appear personally before the Coordinator within two (2) business days from the effective date of the interim withdrawal, in order to discuss the following issues:

- a. the reliability of the information concerning the student's behavior; and/or
- b. whether or not the student's behavior poses a significant danger of causing imminent physical harm or of directly and substantially impeding the lawful activities of other members of the campus community.

Following this meeting the Coordinator may either continue or cancel the interim withdrawal. If the interim withdrawal is canceled, the procedures described in this policy may still be continued. If the interim withdrawal remains in effect, the next stages of this procedure will be followed, and every effort will be made to expedite the process. The interim withdrawal will remain in effect until the Medical Withdrawal Panel has rendered its decision, unless sooner canceled by the Coordinator.

VI. EVALUATION BY MENTAL HEALTH PROFESSIONAL

The Coordinator will select an appropriate mental health professional to evaluate the student and shall notify the student of the time and place of the evaluation. The cost of the evaluation will be borne by the University.

When the mental health professional meets with the student, the student should be informed that the results of the evaluation will be made available to the student and the Coordinator, and may be presented at a hearing before the Medical Withdrawal Panel.

If the mental health professional determines that the student does not meet the standard for medical withdrawal, that opinion will be reported in writing to the Coordinator who may terminate this process. The Coordinator may decide to take other appropriate action, including initiating conduct action.

If the mental health professional determines that the student may meet the standard for involuntary medical withdrawal, a written report of the evaluation shall be submitted to the Coordinator and a copy shall be provided to the student. The report may include recommendations for the Medical Withdrawal Panel to consider such as withdrawal, mandatory treatment, a behavioral agreement, or a reduced academic load. The recommendations are not binding on the Panel or the University.

VII. SCHEDULING A HEARING

Upon receipt of the mental health professional's evaluation, the Coordinator will either terminate the process or schedule a hearing before the Medical Withdrawal Panel. The Coordinator will notify the student, in writing, at least seven (7) business days before the hearing as to the date, time and place of the hearing, and the procedure described in Section VIII below. The student may waive the seven (7) day notice period, in writing.

VIII. THE HEARING

- A. At the hearing, the Coordinator should provide the Medical Withdrawal Panel all evidence relevant to whether the student is subject to involuntary medical withdrawal under the standard set forth in paragraph II. The evidence may include witnesses, written reports, documents or written statements, and the mental health professional's written evaluation.¹
- B. The student's rights at the hearing shall include the following:
 - 1. The right to be present, unless the student disrupts the hearing.
 - 2. To be afforded adequate time to prepare for the hearing.
 - 3. The right to discuss and present relevant evidence.
 - 4. The right to question the complainant and witnesses at the hearing and to comment upon all documents presented.
 - 5. The right to be accompanied by an advisor. The role of an advisor is limited to conferring with and advising the student. The person is not permitted to argue, make statements or question witnesses, but may respond to questions if asked by Hearing Panel members to do so. The student may also bring up to two members of his or her immediate family (parents or other legal guardians, siblings, or spouse) to the hearing. Such family members are not permitted to participate in the hearing.
- C. The members of the Panel may also ask questions of the complainant and witnesses.
- D. The chair may exclude evidence that is not relevant or is cumulative.
- E. The hearing will be closed to the public and the testimony and other evidence presented will be kept confidential.
- F. The hearing will be tape recorded and the recording will be made available for listening to the Panel, the student (upon appointment), the Coordinator, and to any decision-maker involved in an appeal. The tape shall be preserved in accordance to the University records retention schedule.

IX. THE DECISION OF THE PANEL

The Panel will base its decision on preponderance of evidence presented at the hearing. The concurrence of at least two Panel members will be required to withdraw a student under this policy.

¹Depending on the facts and circumstances of each case, the Coordinator should obtain statements or testimony from faculty, Residence Life, or other University staff whose input would be helpful to the Panel. The Panel may also request such input.

If the Panel concludes that the student does not meet the standard for medical withdrawal, it will so inform the student and the Coordinator in writing, and the procedure shall terminate.

If the Panel concludes that the student does meet the standard for medical withdrawal, the Panel shall so state in a written decision that will include its reasons for this conclusion. This written decision will be provided to the student and the Coordinator.

The Panel may, at its discretion, permit a student who meets the standard for medical withdrawal to remain enrolled on a probationary basis under specified conditions which may include, but are not limited to, participation in an ongoing treatment program, acceptance of and compliance with a behavioral agreement, a housing relocation, a reduced academic course load, or any combination. When making its determination of appropriate probationary conditions, the Panel may consult on an informal basis with faculty, Housing & Residence Life, and other University staff.

The Panel shall write its decision within five (5) business days after the hearing. The Panel may deliver the decision to the student either by certified mail, return receipt requested, electronic mail to the student email account, or in person, and it will become effective immediately upon deposit in the mail, the date sent by electronic mail or, in the case of hand delivery, upon receipt by the student..

X. APPEAL

A. Appeal to the Vice Chancellor or designee for Student Affairs

Within three (3) business days from delivery of the Panel's decision, the student may request, in writing, that the Vice Chancellor for Student Affairs or designee review the Panel's decision. The student shall state in writing the specific points the student wishes the Vice Chancellor or designee to consider. Within five business days of receiving the appeal, the Vice Chancellor or designee will inform the student of the decision in writing. The Vice Chancellor or designee may (1) affirm the Panel's decision, (2) send the matter back to the Panel for further proceedings, (3) affirm the Panel's findings but alter the disposition from withdrawal to probational enrollment under specified conditions, or (4) reverse the Panel and reinstate the student. The Vice Chancellor's or designee's decision is final unless the decision is to withdraw the student.

B. Appeal to the Chancellor

If the Vice Chancellor's or designee's decision is that the student should be withdrawn, the student may appeal to the Chancellor. The appeal must be submitted in writing, within three (3) business days after delivery of the Vice Chancellor's or designee's decision. The Chancellor's review will be limited to a determination of whether the proper procedures were followed and whether the decision is supported by any evidence in the record. The Chancellor may affirm the decision, reject it, or send the matter back to the appropriate level for further proceedings. The Chancellor will inform the student of the decision in writing within five (5) business days.

XI. VOLUNTARY MEDICAL WITHDRAWAL

At any point in the process the student may present a request for a voluntary medical withdrawal to the Vice Chancellor for Student Affairs or designee. If the request is granted, the involuntary medical withdrawal process will cease; however, voluntary withdrawal will not terminate any pending disciplinary action.

If the student's request for a voluntary medical withdrawal is granted, the student will be subject to the readmission requirements described in section 12 below.

XII. READMISSION

A student who is involuntarily withdrawn, or who obtains a voluntary medical withdrawal, may not re-enroll or be readmitted to the University before the start of the next term. Further, the Medical

Withdrawal Panel must approve the student's re-enrollment or readmission. Approval may be granted only if the Panel determines, in its professional judgment, that the conditions that caused the withdrawal are no longer present. The Panel may require any documentation or evaluation that it deems necessary. The student is not entitled to a hearing on the determination. The student must also meet all of the admission or enrollment requirements of the University and of the school or college in which he/she wishes to be enrolled.

XIII. STUDENT STUDY ABROAD

University students studying abroad are subject to and will be afforded all rights pursuant to this Policy, with the understanding that reasonable adjustments may be necessary to accommodate cultural, language and time differences and to allow for the distance between the study abroad site and the University. Such adjustments may include, but are not limited to, the substitution of an on-site advisor in the role of the Coordinator where deemed appropriate and the engagement of an on-site mental health professional to conduct any requisite mental health evaluations.

In addition to being subject to this Policy, University students who are studying abroad with another host institution may be subject to the involuntary withdrawal policies of that institution.

XIV. NOTICE

Any Notice referenced in this Policy will be delivered to the student by one of the following methods: first class mail; certified mail, return receipt requested; hand delivery; electronic mail to the student's University email account, or in person, and it will become effective immediately upon deposit in the mail, the date sent by electronic mail or, in the case of hand delivery, upon receipt by the student.

XIII. RECORDS AND FEES

- A. All records concerning these proceedings shall be maintained by the Coordinator and shall be kept confidential in accordance with the Family Educational Rights and Privacy Act, 20 U.S.C. §1232g, and implementing regulations of the U.S. Department of Education, 34 C.F.R., Part 99.
- B. The policies and procedures for transcript notation and fee refunds described in the *Graduate and Undergraduate Bulletins* of the University shall apply to students who withdraw, voluntarily or involuntarily, under this policy.