

THE UNIVERSITY OF ALABAMA IN HUNTSVILLE

INVOLUNTARY MEDICAL WITHDRAWAL

Number 03.03.03

Division: Student Affairs Dean of Students

Date: October 2014

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 mental, emotional, or psychological health conditions. 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 cooperation with the affected student's family and upon consultation with legal counsel. 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 routine substitute for disciplinary action when there is a violation of the Student Code of Conduct. Students should not be diverted from the student judicial process unless it is believed that their behavior is a direct result of a physical or mental disorder and that the student lacks the capacity to adequately respond to the charges or did not know the nature and quality of the act in question. This policy will not supplant the University's policy for addressing violations of the substance abuse and alcohol abuse policies. Further, this policy shall not be used to require the involuntary assessment or withdrawal of eccentric or non-conventional students or behaviors unless the student's conduct meets the conditions or grounds stated in section II below.

Policy A student will be subject to involuntary medical withdrawal if two conditions are present:

- The student is suffering from a mental, emotional, or psychological health disorder or condition; and,
- As a result of this disorder or condition, the student has engaged, has threatened to engage, or is likely to engage in behavior that poses a direct

threat of harm to the campus community. A direct threat shall be deemed to exist when there is (i) significant risk to the health and safety of others; or (ii) a significant risk of disruption to the lawful activities of others or the educational processes and activities of the University. To constitute a “significant risk” a high probability of substantial harm must be indicated.

Procedures

Involuntary Withdrawal Procedure

A. Initial Report: Any member of the University community who has reason to believe that grounds exist for involuntary withdrawal of a student, as stated in section II above, should contact the Office of the Dean of Students and report the information providing the basis for that belief. The Dean, or the Dean’s designee, will ordinarily conduct a preliminary, informal review of the known circumstances and determine whether the matter should be referred to the Behavioral Evaluation & Threat Assessment (BETA) team for further consideration.

B. Initial Referral to BETA Team: Unless it is clear that no direct threat of harm is present, the Dean of Students or designee shall refer the matter to the BETA team. The Dean will gather and share with the BETA team information and documents, if any, regarding the student’s behavior.

The BETA team shall proceed according to the University’s Behavioral Evaluation & Threat Assessment policy to assess the student’s behavior. If the BETA team concludes that the student’s behavior should be classified as “extreme risk”, “high risk”, or “moderate risk” behavior and that the behavior may be the result of a mental, emotional, or psychological health disorder or condition, it shall state in its case management or monitoring plan that the Dean shall initiate a meeting with the student for action as provided more fully below. If, on the other hand, the BETA team concludes that the student’s behavior should not be classified as stated above, it shall proceed in accordance with the BETA policy to deal with the level of risk that is presented.

C. Dean’s Meeting with Student: In meeting with the student pursuant to a management or monitoring plan, the Dean shall do the following:

- Discuss the student’s reported behavior and, in general terms, the University’s concerns. Indicate that a medical withdrawal is being considered. Allow the student to respond.
- Inform the student about the University’s Medical Withdrawal Policy. Give a copy of the policy to the student.

- Encourage the student to consider a voluntary withdrawal from the University. No pressure shall be applied to the student, however, to elect this option.
- Inform the student that an evaluation with a medical professional will need to be obtained within a specified period of time.

D. Voluntary Withdrawal: If the student decides to withdraw voluntarily at this point, regular withdrawal procedures will be followed, with such modifications as may be recommended by the Dean of Students and approved by the Provost. A student may decide to withdraw voluntarily at any stage in this procedure. Voluntary withdrawal will not, however, terminate any pending disciplinary proceedings, and conditions on readmission may be imposed on the student by the University.

E. Mental Health Evaluation: In the event the student does not opt to withdraw voluntarily, an evaluation by a mental health professional will be sought.

- A student who is presently involved in treatment by such a professional may be asked to sign an appropriate release. The release should authorize communication by the professional with the designated University officials, so as to make it possible for the University to request and receive a mental health evaluation regarding the student and any pertinent records in the professional's possession.
- In a situation where the student is not presently receiving treatment, the Dean will inform the student that he/she must meet with a designated mental health professional, who will, upon receipt of the student's written release, conduct a mental health evaluation regarding the student and report the results of that evaluation to the University. Any out-of-pocket costs (including deductibles on the student's health insurance) shall be borne by the university.
- An independent mental health assessment may be sought by the University, at its sole expense, even if the student agrees to provide access to an assessment by the student's mental health professional.

Failure of the student to provide the signed release may result in disciplinary action being initiated against the student under the Code of Student Conduct (for failure to comply with directions from a University official).

The medical withdrawal procedure may go forward even if the student refuses to submit to a mental health evaluation and/or refuses to provide the necessary release to the University. In such a case, the BETA team shall exercise reasonable, good faith judgment, relying in particular on those team members who are medical professionals and based on the best available,

pertinent, objective evidence, to (i) resolve the issue of whether or not the student is suffering from a mental, emotional, or psychological health disorder or condition, and (ii) to make the individualized “direct threat” assessment.

F. Beta Team- Review and Recommendation:

- The mental health professional’s assessment of the student, and any related documents, shall be provided by the Dean of Students to the BETA team for review. The BETA team shall consider the assessment and all other pertinent facts to determine whether both the conditions for a medical withdrawal, as set forth above in section II, are present. In making the “direct threat” determination, the BETA team must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, of (i) the nature, duration, and severity of the risk, (ii) the probability that the potential harm will actually occur, and (iii) whether reasonable modifications of policies, procedures, or practices or the provision of auxiliary aids or services will sufficiently mitigate the risk, pursuant to the requirements of federal and state disability law.
- The BETA team may determine that the conditions for withdrawal under this policy are not present. In such an instance, it shall proceed in accordance with its normal policy to address the student’s conduct. If it does conclude that both conditions for withdrawal exist, it shall make an appropriate recommendation to the Dean of Students. The recommendation may be for involuntary withdrawal on medical grounds. Recommended requirements or conditions for the student’s readmission may be included. The BETA team may, however, recommend continued enrollment for the student but conditioned upon the student’s compliance with certain, stated requirements or restrictions (e.g., a restriction on access to the University campus, University Housing, University activities and services).

G. Student- Notice and Informal Proceeding:

- Upon receipt of a BETA team recommendation for medical withdrawal or conditional enrollment, the Dean of Students shall contact the student and provide the following information in writing: a statement describing the recommendation of the BETA team; a statement of reasons supporting the recommendation; the student’s right to review, upon request, any assessment by a mental health professional relied on by the BETA team; the student’s right to request an informal conference/hearing with the Dean; and the student’s right to be assisted at the informal conference/hearing by an advisor. The advisor may be anyone, except an attorney, selected by the student, including a parent or a University employee.
- Notice of the date, time, and place of a requested informal proceeding/hearing shall be given to the student by the Dean of Students at

least five days in advance, unless the five day period is waived by the student. At the proceeding/hearing, any relevant information may be considered. Information may be provided by the appearance of witnesses; the submission of written witness statements, documents, or reports; etc. The student has the right to be present and to submit information through any such means. The proceeding/hearing will be closed to the public, and information presented shall be kept confidential. The proceeding/hearing shall be conversational and non-adversarial.

H. Decision by the Dean of Students: The decision on withdrawal (or conditional enrollment) shall be made by the Dean, based on the information provided to the Dean under the foregoing procedures. A decision to require involuntary medical withdrawal must be based on the Dean's concurrence with the BETA team's assessment of the student's mental health condition and its individualized assessment of a direct threat.. The Dean's decision shall include any requirements regarding readmission that are to be imposed on the student. Prompt notice of the decision shall be given in writing to the student.

Emergency Interim Withdrawal

An emergency interim medical withdrawal may be implemented by the Dean of Students based on the Dean's determination that the grounds for withdrawal, as set forth in section II above, exist and that the risk of harm is imminent. A student withdrawn on an interim basis shall be given an opportunity to appear personally before the Dean of Students within five (5) business days from the effective date of the emergency interim medical withdrawal, in order to discuss the following issues:

- The reliability of information concerning the student's behavior; and/or
- Whether or not the student's behavior poses a direct threat of harm, as defined in section II above, that is imminent.

Following this meeting, the Dean of Students may either continue or cancel the emergency interim withdrawal.

- If the emergency interim withdrawal is continued, the Dean may restrict the student's access to University Housing, University activities and services, or to the entire University campus, as appropriate, pending final determination of the student's status. The next steps in the regular (non-interim) withdrawal procedure will be then taken, and every effort will be made to expedite the process. The emergency interim withdrawal will remain in effect until a final decision in the matter is made by the Dean of Student.
- If, on the other hand, the emergency interim withdrawal is cancelled, the procedure described in the policy regarding regular withdrawal may still be continued.

Notice of the initial emergency interim withdrawal and the continuation of the emergency interim withdrawal after the student appears before the Dean of Students shall be communicated in writing to the student and shall be effective immediately upon the student's receipt thereof.

A student may appeal an emergency interim medical withdrawal by following the procedures set out below.

Appeal Process

Within five (5) business days from delivery of the Dean of Student's decision, the student may request, in writing, that the Provost and Executive Vice President for Academic Affairs review the decision of the Dean of Students. The student shall state in writing the specific points the student wishes the Provost to consider. This written request must be received within five (5) days to the Office of the Provost. Within five (5) business days of receiving the appeal, the Provost will inform the student in writing of the decision. The Provost may (1) affirm the Dean of Student's decision, (2) send the matter back to the Dean of Student's for further proceedings, (3) affirm the Dean of Student's findings but alter the disposition from withdrawal to conditional enrollment under specified conditions, or (4) reverse the decision and reinstate the student. The decision of the Provost is final.

Returning from Leave

A. Procedure- Petition; Referral to BETA Team: A student who is withdrawn under this policy or who is granted a voluntary medical withdrawal may not be readmitted to the University before the start of the next term. Beginning no sooner than that term, the student may petition the Dean of Students for readmission. The Dean shall refer the petition to the BETA team for review. A recommendation for readmission must be based on a determination by the BETA team that the conditions upon which the withdrawal was based are no longer present. The BETA team may request additional documentation from the student and will ordinarily require an evaluation from the student's mental health professional, the cost of which shall be borne by the student. A second, independent evaluation, paid for by the University, may be required by the BETA team. In this connection, the student will be required to provide a release permitting the BETA team access to the opinion and records of the mental health professional related to the student's condition. The student must also demonstrate and document, if appropriate, that any requirements regarding readmission previously imposed by the University have been satisfied. The BETA team shall also consider whether reasonable accommodation measures by the University, in accordance with federal and state disability law, may enable the student to sufficiently mitigate the

previously identified risk of harm. Based on all this information, the BETA team shall make a recommendation regarding readmission to the Dean of Students.

B. Dean's Decision: The Dean of Students shall make the final decision on whether or not the conditions upon which the voluntary or involuntary medical withdrawal was based have been resolved. The decision shall be reported to the Registrar, who shall address the application for readmission under standard University policy.

All records concerning an involuntary medical withdrawal shall be maintained in the Office of the Dean of Students and shall be kept confidential in accordance with the federal Family Educational Rights and Privacy Act, 20 U.S.C. 1232g and implementing regulations. The University's standard policies regarding fee refunds, grades, transcript notations, etc. will apply to students who withdraw or are withdrawn under this policy.

Review

Annual Review. This policy will be reviewed and subject to change annually by the Behavioral Evaluation and Threat Assessment Team and the Dean of Students or more frequently if organization or situational changes warrant.

Approval

Chief University Counsel

Date

Provost and Executive Vice President for Academic Affairs

Date

Vice President for Student Affairs

Date

APPROVED:

President

Date