

Tuesday, August 21, 2018

SUBJECT: REPLACEMENT OF REGULATION 4.014 - INVOLUNTARY WITHDRAWAL

PROPOSED BOARD ACTION

Approve replacement of FAU Regulation 4.014, Involuntary Withdrawal.

BACKGROUND INFORMATION

This proposed regulation replaces the existing regulation on involuntary withdrawals. It sets forth the process for reviewing the continued enrollment or involuntary withdrawal of a student in any case where the student's presence on campus may constitute a direct threat to other individuals or the University Community, or in cases where the student poses a risk of substantial self-harm such that the student cannot safely continue participation in the University's educational programs.

The regulation is clear that involuntary withdrawal is always a last resort, and should only be considered when a student is unwilling or unable to meet the minimum health or safety requirements to be qualified for enrollment, regardless of disability, and can no longer safely continue participating in the educational programs offered by the University. The regulation also requires that prior to consideration of involuntary withdrawal, the University must consider whether reasonable accommodations are available that would allow the student to remain enrolled.

The regulation states that the Student Intervention Team (SIT) will advise and make recommendations to the Dean of Students regarding the continued enrollment or involuntary withdrawal of students who may constitute a direct threat to others or where the student poses a risk of substantial self-harm. It requires the University to conduct an individualized assessment of the student utilizing several risk factors including, but not limited to, the nature and severity of the risk; the duration of the risk; the probability of substantial harm; available options to mitigate the risks; and/or the student's impact on other individuals or other members of the University Community.

Finally, the regulation provides a student subject to involuntary withdrawal with a fair and equitable process for challenging any proposed action by the Dean of Students, including the opportunity to submit written documents and medical information for consideration by the SIT, and a process for appeal to the Vice President for Student Affairs. Procedures for reinstatement, including potential conditions for return to academic study, are also provided for students involuntarily withdrawn from the University pursuant to this regulation.

IMPLEMENTATION PLAN/DATE

The new regulation will become effective immediately upon Board of Trustees approval.

FISCAL IMPLICATIONS

N/A

Supporting Documentation:	Text of proposed Regulation 4.014
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Florida Atlantic University

Regulation 4.014 Involuntary Withdrawal

(1) PURPOSE

- (A) This regulation sets forth the process for reviewing the continued enrollment or involuntary withdrawal of a student in any case where the student's presence or continued presence on campus may constitute a direct threat to other individuals or the University Community, or in cases where the student poses a risk of substantial self-harm such that the student cannot safely continue participation in the University's educational programs.
- (B) The principles outlined in this regulation are applicable to all graduate and undergraduate students at the University. In the College of Medicine, however, the composition of the advisory group described in section (3) below will consist of the College of Medicine Medical Student Promotions and Professional Standards Committee (MSPPSC), and the procedures described in sections (6) and (7) below will be modified as necessary to comply with the relevant professional standards, policies, and procedures established by the College of Medicine. Those standards, policies, and procedures are incorporated herein by reference and available in the Medical Student Handbook.

(2) GENERAL PRINCIPLES

- (A) Involuntary withdrawal is always a last resort, and should only be considered when a student is unwilling or unable to meet the minimum health or safety requirements to be qualified for enrollment, regardless of disability, and can no longer safely continue participating in the educational programs offered by the University.
- (B) Prior to the consideration of involuntary withdrawal, the University must consider whether reasonable accommodations, including but not limited to individually tailored restrictions on activities, are available that would allow the student to remain enrolled.

(3) STUDENT INTERVENTION TEAM (SIT)

The SIT, chaired by the Dean of Students or designee, will advise and make recommendations regarding the continued enrollment or involuntary withdrawal of a student and will consist of the following persons:

- (A) Director of Student Conduct;
- (B) Director of Student Health Services or designee;

- (C) Director of Counseling and Psychological Services (CAPS) or designee (in an ex-officio advisory capacity only);
- (D) Director of Student Accessibility Services (SAS) or designee;
- (E) Associate Provost or designee;
- (F) Chief of University Police or designee;
- (G) Office of the General Counsel (in an ex-officio advisory capacity only);
- (H) Other campus administrators, as appropriate, at the invitation of the Dean of Students.

(4) BASIS FOR INVOLUNTARY WITHDRAWAL

(A) Cases involving a direct threat.

- i. Involuntary withdrawal of a student may be appropriate in cases where the student's presence or continued presence on campus may constitute a direct threat to other individuals or the University Community.
- ii. In cases where a direct threat posed by a student is based on behavior that violates the Student Code of Conduct, an investigation conference letter or formal conduct charges may be issued by the Dean of Students Office in accordance with FAU Regulation 4.007. Code of Conduct procedures may be conducted in lieu of or contemporaneously with the procedures provided below.
- iii. In all other cases, evaluation of whether a student's presence or continued presence on campus may constitute a direct threat to other individuals or the University Community or whether the student poses a risk of substantial self-harm such that the student cannot safely continue participation in the University's educational programs will follow the procedures outlined in this Regulation.

(B) Cases involving a risk of substantial self-harm.

Involuntary withdrawal of a student may be appropriate when, through an individualized assessment, the University determines, based on factors other than mere speculation, stereotypes, or generalizations about individuals with disabilities, that the student poses a risk of substantial self-harm in light of reasonable health and safety standards.

(5) FACTORS FOR CONSIDERATION

Except in emergency circumstances, in order to determine whether a student poses a direct threat or a risk of substantial self-harm that prevents the student from safely participating in the University's educational programs, the University

must conduct an individualized assessment and make a reasonable judgment based on multiple risk factors, current medical advice and records, and objective evidence of behavior. The risk factors to be considered include, but are not limited to:

- (A) The nature and severity of the risk;
- (B) The duration of the risk;
- (C) The probability of substantial harm;
- (D) Available options to mitigate risks; and/or
- (E) The student's impact on other individuals or other members of the University Community.

(6) PROCEDURES

- (A) The following procedures shall apply to all cases of potential involuntary withdrawal under this Regulation except in cases where the Dean of Students or designee determines that a student poses a danger of imminent or serious physical harm to others at the University or where an emergency exists that may affect the health, safety or welfare of a student or the University community. In cases where the Dean of Students determines that such an emergency exists, deviation from these procedures shall be made only to the extent necessary to address the emergency, and may include interim measures as stated in Regulation 4.007.
- (B) A student subject to involuntary withdrawal shall be notified in writing of the University's concern and the process for involuntary withdrawal. The student will also be provided information about, and where appropriate the opportunity to request, an Exceptional Circumstances Withdrawal pursuant to Regulation 4.013.
- (C) Following the issuance of a written notice of involuntary withdrawal, the Dean of Students may refer the student for an individual evaluation and assessment by a licensed psychiatrist or psychologist of the Dean's choosing. If such a referral is made:
 - i. The evaluation and assessment should include an analysis of the level of treatment clinically recommended to meaningfully reduce the risks to student safety.
 - ii. The evaluation and assessment must be completed within fourteen (14) business days from the date of the referral, unless otherwise required by the Dean of Students, and the student must complete any release forms necessary to allow the psychiatrist or psychologist to share the results of the evaluation and assessment with the Dean of Students and members of the SIT.

- iii. Failure to complete the evaluation and assessment or provide the results of the evaluation and assessment may be considered in evaluating the nature and severity of the risk and whether options to mitigate those risks are available.
- (D) The Dean of Students will call a meeting of the SIT. At least four SIT members (including ex-officio members) must be present, either in person or via conference call, to proceed with a meeting. The SIT will conduct an individualized risk assessment and make a reasonable judgement based on the risk factors identified in section (5) above.
 - (E) The student shall be provided a reasonable opportunity in advance of the meeting to submit relevant information for consideration in the risk assessment by the SIT, including written statements and medical information from the student's preferred healthcare providers. The SIT shall consider any information provided by the student and shall give due weight to the records and opinions of the student's preferred healthcare providers.
 - (F) Following the meeting, the SIT will make a recommendation on whether the student should remain enrolled or be involuntarily withdrawn, and in the case of involuntary withdrawal, any suggested conditions for return. The Dean of Students will make a final decision regarding the student's status and notify the student in writing within five (5) business days after the recommendations issued by the SIT.
 - (G) A decision by the Dean of Students for involuntary withdrawal shall take effect immediately.
 - i. A student who is involuntarily withdrawn may no longer attend classes or participate in University programs, may not be an active member of a Registered Student Organization, must vacate University owned or affiliated housing, and may no longer use University facilities except to the extent permission is granted by the Dean of Students. A Student Affairs hold shall be placed on the student's record, which will prevent the student's reinstatement or readmission to the University until any conditions for return are completed.
 - ii. A student who is involuntarily withdrawn after the published deadline for withdrawal will receive grades of WM in their course work for the semester.
 - (H) In lieu of involuntary withdrawal, a student may be subject to written conditions for continued enrollment that are specifically tailored to the individualized risk assessment conducted by the SIT. Failure to comply with the written conditions for continued enrollment will result in a

subsequent notice of involuntary withdrawal consistent with the requirements set forth above.

- (I) The student may appeal the decision of the Dean of Students. The appeal must be made in writing to the Vice President of Student Affairs and delivered within seven (7) calendar days after the date of the notification to the student of the Dean of Students' decision. The Vice President of Student Affairs may, within a reasonable timeframe, approve, modify, or reject the original decision of the Dean of Students. The Vice President of Student Affairs' decision will be considered final agency action.

(7) CONDITIONS FOR RETURN

- (A) Students who have been involuntarily withdrawn are eligible for reinstatement of their enrollment for three consecutive semesters following the semester of involuntary withdrawal. In some cases, the Dean of Students may impose conditions to prepare the student for a successful return to the University. Those conditions may include, but are not limited to, the following:
 - i. Submission of evaluations by appropriate licensed medical or mental health professionals indicating that the student no longer poses a direct threat to others or a risk of substantial self-harm, and that the student is prepared to safely participate in the University's educational programs.
 - ii. A signed authorization permitting the Dean of Students to discuss the student's readiness to return to rigorous academic work and any reasonable accommodations that may be appropriate with the student's medical providers.
 - iii. Other conditions based on an individualized assessment of the student, including consideration of current medical knowledge and the best available objective evidence. Careful consideration will be given to the opinions and recommendations of the student's treating physician or mental health professional, if available.
- (B) Students requesting reinstatement should submit their request to the Dean of Students no later than thirty (30) calendar days prior to the beginning of the semester for which they are seeking reinstatement. The request should include documentation demonstrating the completion of any conditions for return.
- (C) In cases where a student's request for reinstatement is denied by the Dean of Students, the decision may be appealed in writing to the Vice President of Student Affairs within seven (7) calendar days after the date of the

notification to the student of the Dean of Students' decision. The Vice President of Student Affairs may, within a reasonable timeframe, approve, modify, or reject the original decision of the Dean of Students. The Vice President of Student Affairs' decision will be considered final agency action.

- (D) In cases where a student is not enrolled at the University for more than three (3) consecutive semesters, the student will be required to apply for readmission.

Specific Authority: Article IX of the Florida Constitution, Florida Board of Governors Resolution dated January 7, 2003, Florida Statutes 1001.706, 1001.74. History—New 5-28-08, Amended 7-22-09, Amended 8-21-18.