



Item: VII. AS: A-3.

Wednesday, May 28, 2008

SUBJECT: FAU Regulation 4.014, Medical Advisory Committee

PROPOSED BOARD ACTION

Approval of the proposed new FAU Regulation 4.014, Medical Advisory Committee

BACKGROUND INFORMATION

The Division of Student Affairs seeks approval for the proposed FAU Regulation 4.014, Medical Advisory Committee. This committee will advise and make recommendations regarding students with health related problems that constitute a health hazard or a danger to themselves or others in the University. Approval of this proposed regulation allows the University to have a formal process that outlines the role and scope of the committee.

The committee, composed of representatives from all Campuses, spent several months drafting this regulation. It was also reviewed by the General Counsel's Office.

IMPLEMENTATION PLAN/DATE

Upon Board of Trustees approval

FISCAL IMPLICATIONS

N/A

Supporting Documentation: Proposed Medical Advisory Committee Regulations
Presented by: Dr. Charles Brown, VP for Student Affairs **Phone:** 561.297.3988

**FLORIDA ATLANTIC UNIVERSITY
NOTICE OF PROPOSED NEW REGULATION**

Date: April 29, 2008

REGULATION TITLE AND NUMBER: Medical Advisory Committee (4.014).

SUMMARY: The Division of Student Affairs seeks approval for the proposed FAU Regulation 4.014, Medical Advisory Committee. This committee will advise and make recommendations regarding students with health related problems that constitute a health hazard or a danger to themselves or others in the University. Approval of this proposed regulation allows the University to have a formal process that outlines the role and scope of the committee.

The committee, composed of representatives from all Campuses, spent several months drafting this regulation. It was also reviewed by the General Counsel's Office.

FULL TEXT OF THE REGULATION: The full text of the proposed regulation is attached below to this Notice. The full text of the existing regulation is posted on FAU's website at www.fau.edu/regulations. In addition, the full text of the proposed regulation and current regulation are available upon request to the Office of the General Counsel, which can be contacted at (561) 297-3007 or GeneralCounsel@fau.edu.

AUTHORITY TO AMEND THE REGULATION: Article IX of the Florida Constitution and the Board of Governors Regulation Development Procedure dated July 21, 2005.

UNIVERSITY OFFICIAL INITIATING THE REGULATION: Dr. Charles Brown, Vice President for Student Affairs

COMMENTS CONCERNING THE PROPOSED NEW REGULATION SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. In response, the University may solicit additional written comments, schedule a public hearing, withdraw or modify the proposed regulation in whole or in part after notice, or proceed with adopting the regulation. The comments must identify the regulation(s) on which you are commenting:

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED NEW REGULATION IS: Myrlande Dessalines, Paralegal, Office of the General Counsel, 777 Glades Road, Boca Raton, Florida, 33431, (561) 297-3007 (phone), (561) 297-2787 (fax), GeneralCounsel@fau.edu.

PROPOSED NEW REGULATION

Florida Atlantic University

Regulation 4.014 Medical Advisory Committee

- (1) Purpose. The purpose and specific duties of the Medical Advisory Committee (MAC) is to advise and make recommendations to the Associate Vice President (AVP) and Dean for Student Affairs on the retention or withdrawal of a student in any case wherein the student's presence or continued presence on campus may constitute a health hazard, danger to him/herself or to others or otherwise endanger the University Community. A student may be involuntarily withdrawn from the University by the Associate Vice President and Dean for Student Affairs upon appropriate notification and consultation from the Medical Advisory Committee.

- (2) Committee Composition. The MAC is composed of the following persons:
 - (A) Associate Vice President and Dean of Student Affairs (chairperson);
 - (B) Dean of Student Affairs designees from partner campuses;
 - (C) Director of Student Health Services or designee; and
 - (D) Director of Counseling Center or designee.
 - (E) Others campus administrators may be invited to participate at the invitation of the AVP and Dean of Student Affairs.

- (3) Process.
 - (A) The Involuntary Medical Withdrawal process will be initiated when the student's condition involves, including but not limited to, one or more of the following:
 - i. Causes the student to engage in behavior that poses a significant danger of causing harm to self or others or to substantial property rights;
 - ii. Involves a condition that threatens public health;
 - iii. Renders the student unable to engage in basic required activities necessary to obtain an education;
 - iv. Directly and substantially impedes the lawful activities of others; or
 - v. Interferes with the educational process and orderly operations of the University.

- (B) If conditions warrant immediate action, an interim suspension may be initiated by the AVP and Dean for Student Affairs with the approval of the Vice President for Student Affairs.
- (C) The AVP and Dean of Student Affairs or designee will call a meeting of the Medical Advisory Committee within five (5) academic days to discuss the case. At least four designated committee members must be present to proceed with a meeting and take action. The student has the right to be present at this meeting and may present written information (i.e., deposition of student conduct, character letters or statements, mental health assessments/evaluations) in support of his/her case. The student may testify on his/her own behalf, and may present witness testimony only if deemed helpful by the MAC. Following the student's presentation, the committee shall deliberate in private session. At the conclusion of this meeting, the committee shall make a recommendation to the AVP and Dean of Student Affairs or designee whether to take action including withdrawing the student, reinstate the student, or reinstate the student with conditions.
- (D) Emergency meetings could be called within 24 hours notice to address any student incident that poses a threat to the University Community.
- (E) The AVP and Dean of Student Affairs or designee will make a final decision regarding the student's enrollment status and notify the student in writing within five (5) academic days of the MAC's recommendation.
- (F) Any student whose registration is involuntarily withdrawn by the AVP and Dean of Student Affairs upon the committee's recommendation and whose withdrawal is after the published deadline for withdrawal will receive grades of WM in his/her course work for the semester. Any student who is withdrawn under this procedure may be permitted to enroll at a future date after having satisfied the specific conditions required by the MAC.
- (G) The student may appeal the decision of the Vice President for Student Affairs or designee based on the following grounds:
 - i. Failure to receive due process;
 - ii. Severity of the sanction; or
 - iii. New material or information that could not be discovered at the time of the hearing.
- (H) The appeal must be made in writing to the Vice President for Student Affairs, or designee, postmarked and delivered within five

(5) academic days after the date of the notification to the student of the decision. The Vice President for Student Affairs may, within five (5) academic days, approve, modify, or reject the original decision. The Vice President for Student Affairs decision will be considered final agency action.

- (I) Upon being involuntarily withdrawn, the student may no longer attend classes, may not be an active member of a registered Student Organization, may no longer use University facilities, must vacate University owned or affiliated housing, and may be entitled to whatever refunds of tuition, fees, and room and board charges as would be appropriate given the timing of the withdrawal.
 - (J) Students who are involuntarily withdrawn from the University shall have a Student Affairs hold placed on their records, which will prevent them from being readmitted or reenrolled in the institution except as stated in this paragraph. A student may request readmission or reenrollment at the University and provide the AVP and Dean of Student Affairs or designee with documentation from an appropriate healthcare provider of their choice who has conducted a proper assessment of the student and concluded that the student does not pose a serious threat of harm to himself/herself or others and is medically fit to function as a student in the University Community. In cases where the AVP and Dean and/or MAC has imposed other conditions for readmission, it is the responsibility of the student to provide documentation of compliance with such conditions prior to readmission/reenrollment.
 - (K) A student who is not involuntarily withdrawn may be subject to conditions to continue enrollment at the University. In such cases, the student will be provided with a written summary of conditions and must meet all conditions in order to maintain student status. A student who fails to meet such conditions will be subject to involuntary withdrawal by the AVP and Dean of Student Affairs, or will be subject to charges through the University's Student Code of Conduct Review Process for failure to comply.
 - (L) The Involuntary Medical Withdrawal process shall not be used to handle violations of the Student Code of Conduct, and will be suspended if necessary pursuant to Regulation 4.007.
- (4) Restrictions on Activities. If the AVP and Dean of Student Affairs and Vice President for Student Affairs determines that other interim measures are more appropriate to protect the health, safety, or welfare of the student or University community, the AVP and Dean of Student Affairs and Vice President for Student Affairs may:

- (A) Restrict or bar the student's attendance of classes;
 - (B) Restrict or bar the student's access or contact with individuals;
 - (C) Restrict or bar the student's access to University property, places, facilities or equipment;
 - (D) Restrict or ban the student's participation in University activities or organizations; or
 - (E) Otherwise restrict or ban the student's access to University resources or other conduct.
- (5) Nothing herein shall reduce the commitment of the University to accommodate the needs of handicapped students who are able to participate in University functions without hazard to themselves or to others.
- (6) **Mandated Assessment.** In an effort to minimize risk of students with potentially unstable mental health conditions and to help protect the welfare of the FAU campus community, FAU has a procedure for reviewing incidents which have resulted in a student's involuntary and voluntary examination of imminent danger to self or others according to Florida law (i.e. Baker Act, Marchman Act), or to protect the health, safety or welfare of the student or University Community.
- (A) The Assessment must be made by the FAU Counseling Center or a community based licensed mental health practitioner of the student's choice and expense with certified experience in the student's area of risk.
 - (B) The Assessment process consists of a minimum of four (4) sessions over a four (4) week period, one (1) session per week.
 - (C) During the sessions, the licensed mental health practitioner will make a thorough assessment of the student's risk status, making additional referrals as appropriate.
 - (D) At the end of the Assessment, the Counseling Center or off-campus licensed mental health practitioner will send the AVP and Dean of Student Affairs or designee a written report regarding the student's attendance at each assessment session, status at the end of assessment, and recommendations for treatment, as well as willingness to comply with treatment. Based on this report the AVP and Dean or designee will determine, in consultation with the student and the Medical Advisory Committee, whether treatment recommendations will be voluntarily followed or whether the student requires referral to the Involuntary Medical Withdrawal Process.

- (E) Continued enrollment may be contingent upon adhering to a behavioral agreement with the AVP and Dean of Student Affairs or designee.

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.