



Item: AS: A-5

Wednesday, July 22, 2009

**SUBJECT: Approval of the proposed FAU Regulation 4.014, Involuntary Withdrawal
(Formerly known as the "Medical Advisory Committee")**

PROPOSED BOARD ACTION

Approval of proposed FAU Regulation 4.014, Involuntary Withdrawal

BACKGROUND INFORMATION

The Division of Student Affairs seeks approval of the proposed FAU Regulation 4.014. 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

Fall 2009

FISCAL IMPLICATIONS

None

Supporting Documentation

Proposed Revision to Regulation 4.014

Other Documentation Available:

Presented by:

Dr. Charles Brown, Sr. VP for Student Affairs
(561) 297-3988

Florida Atlantic University

Regulation 4.014 Involuntary Withdrawal

- (1) Purpose. The purpose of this regulation is to outline the process for advising and making recommendations to the Associate Vice President (AVP) and Dean of Students on the retention or withdrawal of a student in any case where 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 A student may be involuntarily withdrawn from the University by the Associate Vice President and Dean of Students upon appropriate notification from, and consultation with, the advisory group described below.

- (2) Advisory Group Composition. The advisory group that will advise and make recommendations regarding the retention or involuntary withdrawal of a student will be comprised of the following persons:
 - (A) Associate Vice President and Dean of Students;
 - (B) Dean of Students designees from partner campuses;
 - (C) Director of Student Health Services or designee;
 - (D) Director of Counseling Center or designee;
 - (E) Director of Office for Students with Disabilities or designee; and
 - (F) Others campus administrators may be invited to participate at the invitation of the AVP and Dean of Students.

- (3) Process.
 - (A) The involuntary withdrawal process will be initiated when the student's condition involves, but is not limited to, one or more of the following:
 - i. The condition causes the student to engage in behavior that poses a significant danger of harm to self or others or to substantial property rights;
 - ii. The condition threatens to endanger the public health;
 - iii. The condition renders the student unable to engage in basic required activities necessary to obtain an education;
 - iv. The condition directly and substantially impedes the lawful activities of others; or
 - v. The condition 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 of Students with the approval of the Senior Vice President of Student Affairs.

- (C) The AVP and Dean of Students or designee will call a meeting of the advisory group within five (5) academic days to discuss the case. At least four designated advisory group 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 advisory group. Following the student's presentation, the advisory group shall deliberate in private session. At the conclusion of this meeting, the advisory group shall make a recommendation to the AVP and Dean of Students or designee whether to take action including withdrawing the student, reinstating the student without conditions, or reinstating the student with conditions.
- (D) Emergency meetings may be called within 24 hours notice (or less if appropriate) to address any student incident that poses a threat to the University Community.
- (E) The AVP and Dean of Students 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 advisory group's recommendations.
- (F) Any student whose registration is involuntarily withdrawn by the AVP and Dean of Students upon the advisory group'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 advisory group and/or the AVP and Dean of Students or designee.
- (G) The student may appeal the decision of the AVP and Dean of Students or designee. The appeal must be made in writing to the Senior Vice President of 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 Senior Vice President of Student Affairs may, within a reasonable timeframe, approve, modify, or reject the original decision of the advisory group. The Senior Vice President of Student Affairs' decision will be considered final agency action.
- (H) 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.

- (I) 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 Students 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 of Students and/or advisory group 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.
 - (J) 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 Students, or will be subject to charges through the University's Student Code of Conduct for failure to comply.
 - (K) The involuntary withdrawal process shall not be used to handle violations of the Student Code of Conduct, and the involuntary withdrawal process will be suspended if necessary pursuant to Regulation 4.007.
- (4) Restrictions on Activities. If the AVP and Dean of Students and Senior Vice President of 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 Students and Senior Vice President of 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 in the University Community;
 - (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 the student's conduct or ban the student's access to University resources.
- (5) Nothing herein shall reduce the commitment of the University to accommodate the needs of students with disabilities who are able to participate in University functions without hazard to themselves or to others.

- (6) **Mandated Assessment.** In an effort to minimize risk imposed by 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 exhibiting behavior that poses an imminent danger to self or others. The student will be sent for an involuntary or voluntary assessment of the level of potential risk they pose of danger to self or others according to Florida law (i.e. Baker Act, Marchman Act). The purpose of the mandatory assessment is to protect the health, safety or welfare of the student or University Community.
- (A) The Assessment must be made by the FAU Counseling Center professional or off campus/community based licensed mental health practitioner of the student's choice, and at the student's, 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, need for intervention, and referrals for treatment as appropriate.
 - (D) At the end of the Assessment, the FAU Counseling Center professional or off-campus/community based licensed mental health practitioner will send the AVP and Dean of Students or designee a written report regarding the results and conclusion of the risk assessment, the student's attendance at each assessment session, the student's willingness to comply with treatment, and recommendations for any treatment deemed necessary to return the student to emotional and functional ability.
 - (E) Based on this report the AVP and Dean of Students or designee will determine, in consultation with the student and the advisory group, whether treatment recommendations will be voluntarily followed or whether the student requires referral to the involuntary withdrawal Process.
 - (F) Continued enrollment may be contingent upon adhering to a behavioral agreement with the AVP and Dean of Students 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.