



<b>Policy Title:</b>	<b>Involuntary Medical-Psychological Withdrawal Policy</b>
<b>Policy Number:</b>	<b>STUD-323</b>
<b>Revision Date:</b>	<b>August 2018</b>
<b>Policies Superseded:</b>	<b>1872; STUD-172</b>
<b>Policy Management Area(s):</b>	<b>Student Affairs</b>

## **SUMMARY:**

A student who poses a significant risk to the health or safety of others may be subject to Involuntary Medical/Psychological Withdrawal from the University.

## **POLICY:**

### **I. POLICY**

- A. A student who poses a significant risk to the health or safety of others may be subject to Involuntary Medical/Psychological Withdrawal from the University.
- B. Criteria for Involuntary Medical/Psychological Withdrawal
  - 1. A student will be subject to Involuntary Medical/Psychological Withdrawal if he/she poses a significant risk to the health or safety of others
  - 2. A student will not be subject to Involuntary Medical/Psychological Withdrawal under these procedures when student conduct, academic, or other options are available and appropriate.
  - 3. During the Involuntary Medical/Psychological Withdrawal process, a representative of the University may contact the student's parents or legal guardians, if appropriate.
- C. This policy will be applied in a nondiscriminatory manner. Decision makers acting under this policy will make determinations based on observation of a student's conduct, actions, and statements, and not merely on knowledge or belief that a student is an individual with a disability. Determinations to remove a student from the University or Housing will be made in consultation with a professional qualified to interpret the evidence and:
  - 1. Will be based on a student's observed conduct, actions and statements; and
  - 2. Will not be based on a slightly increased, speculative, or remote risk of substantial harm.

## II. PROCESS

### A. Involuntary Medical/Psychological Withdrawal Process

Any member of the University community who has reason to believe that a student may meet the criteria for Involuntary Medical/Psychological Withdrawal may contact the Vice President for Student Affairs to request an informal review. The Vice President for Student Affairs will notify the student that an Involuntary Medical/Psychological Withdrawal is under consideration.

1. Notification to the student will include:
  - a. Available information concerning the behavior and/or incidents, which are of concern;
  - b. A copy of the Involuntary Medical/Psychological Withdrawal Policy; and
  - c. An opportunity to meet with the Vice President for Student Affairs to explain his/her behavior.
2. If the matter is not resolved, the Vice President for Student Affairs will convene the Involuntary Withdrawal Team (IWT), which will complete review of the recommendation within five (5) working days of receipt of the notification of the IWT.

### B. Interim Involuntary Medical/Psychological Withdrawal

If health or safety is an immediate concern, the University may take immediate action to protect the well-being of the student and/or other members of the community. The Vice President for Student Affairs may remove a student from any or all University premises following consideration of all reasonably available information determines that a threat of significant risk exists. Interim Involuntary Medical/Psychological Withdrawal is a preliminary action taken to protect the health and safety of the student withdrawn, or of others, and is not punitive. Students subject to Interim Involuntary Medical/Psychological Withdrawal are immediately subject to the withdrawal process as outlined below:

### C. Involuntary Withdrawal Team

The University has established the Involuntary Withdrawal Team (IWT) whose duties include assisting in the evaluation students for Involuntary Medical/Psychological Withdrawal. The IWT includes the Vice President for Student Affairs (Chair), the Assistant Dean for Student Advocacy and Intervention, and representatives from University Housing (in the case of a resident student), Public Safety, the student's academic college, and non-voting representatives from Student Health Services and Counseling Services. Other members may be added at the discretion of the Vice President for Student Affairs.

### D. IWT Review

The IWT will provide the student with the opportunity to appear for an informal review. The student will be notified of the time, date and place of the informal review; if the

student fails to appear for the informal review, the IWT may conduct the review and reach a decision in the absence of the student.

1. Prior to IWT review of the recommendation for Involuntary Medical/Psychological Withdrawal, the student may be required to undergo a medical and/or psychological evaluation by a health professional designated by the University. The evaluation will be provided to IWT and the student will sign any releases deemed necessary. A student who refuses to undergo an evaluation or to provide any release of requested information for IWT consideration may be subject to Interim Involuntary Medical/Psychological Withdrawal and/or potential review for violation of University policy.
2. If the student has been placed on Interim Involuntary Medical/Psychological Withdrawal, he/she may be granted access to Coastal Carolina University campus to attend the review.
3. The review shall be informal and non-adversarial. Formal rules of evidence do not apply. The student shall authorize, in writing, the disclosure of medical records, documents, and other information as deemed relevant by the Vice President for Student Affairs. If the student refuses to provide authorization, the review may proceed, but the absence of such information shall be noted by the IWT during the review.
4. During the review, the student may be assisted by a family member and a/or a licensed health professional of his/her choice, whose role is to advise rather than actively represent the student. Advisors are not permitted to participate or speak directly to the IWT. The student may present relevant information and will be given the opportunity to ask questions of any individual in attendance for the review. The student has the right to provide information relevant to the review including names of witnesses, if any, three business days prior to the review. The IWT Chair, in consultation with other members, may determine relevancy. Information or witnesses deemed to be unnecessarily repetitive or irrelevant may be denied in the review.
5. The IWT shall determine if the student represents a direct threat to the health and safety of others and the risk cannot be eliminated or reduced to an acceptable level through reasonable accommodations with which the student is willing and able to cooperate. This assessment shall include a determination of the duration, nature and severity of the risk posed by the student to the health and safety of others, the likelihood that the potential harm will occur, and the imminence of the potential harm. The IWT will consider all information presented; however, the IWT is not required to rely solely on the opinion(s) of medical or mental health professionals.
6. If the IWT concludes that a student should receive an Involuntary

Medical/Psychological Withdrawal, the IWT may make recommendations including conditions for readmission and interactions with the campus community during the period of withdrawal.

7. The student shall be provided written notice of the decision, stating the reasons and also advising the student of the right to an appeal.

E. Appeal of Involuntary Medical/Psychological Withdrawal

A student who is involuntarily withdrawn under this policy may submit a written request to the Provost within three (3) business days of receipt of the notice for Involuntary Medical/Psychological Withdrawal. The Provost shall review the appeal within seven (7) working days of receipt of the written appeal. The Provost may:

1. Uphold the withdrawal;
2. Reinstate the student; or
3. Reinstate the student subject to specified conditions that may include, without limitation, participation in an ongoing treatment program, acceptance of and compliance with a behavioral contract, a housing removal or relocation, reduced course load or any combination thereof. The Provost may also modify the conditions of readmission, if applicable. The Provost's decision is final.

F. Readmission

A student who has been withdrawn under this procedure and who wishes to be considered for readmission must provide to the Vice President for Student Affairs the appropriate documentation to comply with the conditions of readmission. The Vice President for Student Affairs will consult members of the IWT as needed to determine if the conditions have been met and will recommend to the Provost whether the student should be eligible for readmission. If eligible, the student must follow readmission procedures as noted in the current University Catalog.

G. Compliance

A student who fails to comply with this policy may be withdrawn on an interim basis, and/or referred for review of potential violation of University policy.

### III. STATUTORY REFERENCES FOR POLICY

- A. Rehabilitation Act of 1973, Section 504 – 29 USC § 794, et. seq.
- B. Americans with Disabilities Act – 42 USC § 12131, et. Seq.