

# 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. I                      otions

mittee (MSPPSC), and the procedures below will be modified as necessary to additional standards, policies, and procedures of medicine. Those standards, policies, and procedures shall be adopted by reference and available in the Medical

is a last resort, and should only be used if a student is unwilling or unable to meet the minimum requirements to be qualified for enrollment, regardless of whether the student may continue participating in the educational program.

In the event of an involuntary withdrawal, the University must ensure that accommodations, including but not limited to those that are available for students with disabilities, are available that would allow

(SIT)

The student or designee, will advise and make arrangements for continued enrollment or involuntary withdrawal 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 d l n

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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

- (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.*