

THE UNIVERSITY OF ALABAMA IN HUNTSVILLE

INVOLUNTARY WITHDRAWAL POLICY

Number 03.03.03

Division Vice President for Student Affairs - Dean of Students

Date October 2014, reviewed/revised June 8, 2023

Purpose One of the purposes of the University of Alabama in Huntsville (UAH or University) is to ensure equality of educational opportunity while fostering an environment that promotes education, research, service, and the growth and safety of all members of its community. When the University becomes aware of a student whose continued participation in the University environment may pose a significant risk to the health or safety of a UAH community member or whose behavior severely disrupts the University environment, the University may consider an involuntary withdrawal. This policy sets forth the standards and procedures for determining whether an involuntary withdrawal of a student is necessary.

Policy *Involuntary Withdrawal*

Any member of the University community who has reason to believe that a student poses a significant risk to the health or safety of a member of the University community and/or whose behavior severely disrupts the University environment should immediately contact the Office of the Dean of Students at 256-824-6700 to report the information providing the basis for that belief. Behavior that appears to pose a clear and immediate threat of violence or self-harm, and requires immediate containment should be immediately reported to UAHPD at 256-824-6911.

A student may be subject to involuntary withdrawal from the University, as set forth in the Procedures, based on an individualized assessment of the student behavior and circumstances, and whether the student's behavior meets the following criteria:

- Poses a significant risk to the health or safety of a University community member(s); and/or
- Substantially impedes the lawful activities of other members of the University community, or the educational process or proper activities or function of the University or its personnel, with or without reasonable accommodation.

Involuntary withdrawal is a last resort and should only be reserved for cases where other measures fail, are deemed inappropriate, or cannot be agreed upon by the student and the University.

Prior to the implementation of an involuntary withdrawal, the University will consider whether reasonable accommodations are available that would allow the student to remain enrolled.

A student who is involuntarily withdrawn may no longer attend classes or participate in University programs, may not be an active member of a Registered Student Organization, must vacate University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.

This policy is not intended to be punitive and does not take the place of disciplinary actions in response to a violation of the Code of Student Conduct or other University policies or directives. A student involuntarily withdrawn or in the involuntary withdrawal process may also be removed or dismissed from the University or University-owned facilities as a result of violations of other University policies or applicable law.

Emergency Interim Measure

An emergency interim measure may be implemented by the Dean of Students, as set forth in the based on an individualized determination that the criteria for involuntary withdrawal exists and that the student's behavior poses a significant risk of causing imminent physical harm and/or of directly and substantially impeding the lawful activities of the University community.

A student subject to an emergency interim measure may seek reconsideration of the measure by following the steps set forth in the Procedures.

Reinstatement/Readmission after Involuntary Withdrawal

Beginning no sooner than the term after the involuntary withdrawal, the student may petition the Dean of Students for reinstatement or readmission pursuant to the Procedures.

A student seeking reinstatement to the University after an involuntary withdrawal must be able to demonstrate that (1) the student can participate in the University's programs without posing a danger to others in the University community and/or without substantially impeding the lawful activities of the University community (i.e., the criteria set forth in this policy), (2) the student meets all relevant academic requirements, and (3) the student has met any requirements for reinstatement imposed by the BETA

Team.

A student who has been inactive for three academic terms must also apply for readmission.

The Dean of Students shall make the final decision on whether or not the conditions upon which involuntary withdrawal was based have been resolved and reinstatement is appropriate.

Appeal Process

An appeal of a decision of the Dean of Students under this policy may be made to the Vice President of Student Affairs as set forth in the Procedures. The decision of the Vice President for Student Affairs is final.

Record Keeping

All records concerning an involuntary withdrawal shall be maintained in the Office of the Dean of Students and shall be kept confidential in accordance with the federal Family Educational Rights and Privacy Act, 20 U.S.C. 1232g and implementing regulations. The University's standard policies regarding fee refunds, grades, transcript notations, etc. will apply to students who withdraw or are withdrawn under this policy.

Review

This policy will be reviewed by the Dean of Students every five (5) years or more frequently if organization or situational changes warrant.

Procedures

Involuntary Withdrawal

- A. **Initial Report**: The Dean of Students, or designee, will ordinarily conduct a preliminary, informal review of the known circumstances and determine whether the matter should be referred to the Behavioral Evaluation & Threat Assessment (BETA) team for further consideration.
- B. **Initial Referral to BETA Team**: If in the Dean of Student's professional judgment the criteria for potential involuntary withdrawal exists, the Dean of Students shall refer the matter to the BETA team. The Dean of Students will gather and share with the BETA team available information and documents regarding the student's behavior.

The BETA team shall proceed according to the University's BETA Policy and conduct an individualized assessment of the student's behavior using the criteria set forth in this policy, and where necessary, recommend a case management plan, which may include an appropriate independent professional evaluation.

If the BETA team recommends an evaluation, it shall include that information in its case management plan.

- C. **Dean's Meeting with Student**: If the BETA team recommend additional steps, the Dean of Students will meet with the student and do the following:
- Discuss the student's reported behavior and, in general terms, the University's concerns and plan of action. Indicate that an involuntary withdrawal is an option being considered. Allow the student to respond.
 - Inform the student about the University's Involuntary Withdrawal Policy. Give copy of the policy to the student.
 - If applicable, inform the student what type of evaluation will need to be obtained within a specified period of time, along with a signed release to permit information to be shared with designated University officials.
 - Inform the student that failure to participate in an evaluation or otherwise cooperate in the process may result in an action pursuant to the Code of Student Conduct for failure to comply with University policy or other violations.

- D. **Evaluation/Information Gathering**:

A student who is presently being treated by a medical or mental health professional may be asked to sign an appropriate release. The release should authorize

communication by the medical or mental health professional with the designated University officials so the designated University officials can request and receive information and/or records regarding whether the student can successfully participate in the university environment with or without reasonable accommodations.

An independent evaluation may be sought by the University, at its sole expense, even if the student agrees to authorize communication with the student's treating medical or mental health professional. In this situation, the Dean of Students will inform the student that the student must meet with a UAH-approved professional, who will, upon receipt of the student's written release, conduct an evaluation regarding the student's fitness for participation in the university environment, with or without reasonable accommodations, and report the results of that evaluation to the University.

Any evaluation and assessment pursuant to this section should include recommendations for reasonable accommodations, if available, that might meaningfully reduce the risk to the health or safety of the student or the University community, or disruption to the University environment. However, an evaluating professional's recommendations are not binding on the University, and the student's failure to comply with the process may also be considered in evaluating the nature and severity of the risk and whether options to mitigate those risks are reasonable.

E. BETA Team Individualized Review and Recommendation:

The evaluation of the student, and any related documents, shall be provided by the Dean of Students to the BETA team for review. The BETA team shall consider the evaluation and all other pertinent facts to determine whether the criteria for an involuntary withdrawal, as set forth in this policy, are present. In doing so, the BETA team must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge and/or best available objective reliable facts and evidence to determine (i) the nature, duration, and severity of the risk, (ii) the probability that the potential harm will actually occur, (iii) whether the student directly and substantially impeded the lawful activities of other members of the University community; and (iv) whether reasonable modifications of policies, procedures, or practices, or the provision of auxiliary aids or services, will sufficiently mitigate the risk.

If the BETA team determines that the conditions for involuntary withdrawal under this policy are present, it shall make the appropriate recommendation to the Dean of Students. Recommended requirements or conditions for the student's reinstatement/readmission may be included.

F. Decision by the Dean of Students and Notice to Student: Upon receipt of a BETA team recommendation for involuntary withdrawal, the Dean of Students shall make

a final decision regarding the student's status. A decision to require involuntary withdrawal must be based on the Dean's concurrence with the BETA team's individualized assessment of whether the student meets the criteria set under this policy.

The Dean's decision shall include any requirements regarding reinstatement that are to be imposed on the student.

The Dean of Students or designee shall give written notice of the decision to the student, including information on the appeal process, in writing as soon as possible but no later than five (5) business days after the Dean of Students receives the recommendation of the BETA team.

A hold shall be placed by Student Affairs on the student's record, which will prevent the student's reinstatement or readmission to the University until any conditions for return are completed.

Emergency Interim Measure

A student subject to an emergency interim measure shall be given an opportunity to appear before or speak personally with the Dean of Students within two (2) business days from the effective date of the emergency interim measure, to discuss the following issues:

- The reliability of information concerning the student's behavior;
- Whether or not the student's behavior meets the criteria for evaluation under this policy as outlined above and poses an imminent threat; and
- Potential reasonable accommodations, if applicable.

Following this meeting, the Dean of Students may either continue or cancel the emergency interim measure.

- If the emergency interim measure is continued, the Dean may restrict the student's access to University Housing, University activities and services, or to the entire University campus, as appropriate, pending final determination of the student's status under the procedures outlined in the policy. The emergency interim measure will remain in effect until a final decision in the matter is made by the Dean of Students.
- If, on the other hand, the emergency interim measure is cancelled, the procedure regarding involuntary withdrawal may still be continued.

Notice of the initial emergency interim measure, or the continuation of the emergency interim measure after reconsideration by Dean of Students, shall be effective

immediately and communicated in writing (which shall include information regarding how to appeal the decision) to the student as soon as possible, but no later than five (5) business days' from the date of the decision.

Reinstatement/Readmission after Involuntary Withdrawal

The Dean of Students shall refer the petition to the BETA team for review and recommendation. The BETA team may require the following:

- Submission of evaluation(s) by appropriate professionals indicating that the student no longer poses a significant risk to the health or safety of the UAH community and/or that the student is able to participate in the University environment without severely disrupting it, with or without reasonable accommodations.
- A signed authorization permitting the Dean of Students to discuss with the student's medical or mental health professional, if applicable, the student's readiness to return to rigorous academic work and any reasonable accommodations that may be appropriate.
- An independent evaluation paid for by the University with respect to whether the student can return to rigorous academic work and successfully participate in the university environment, with or without reasonable accommodations, including a release permitting the BETA team access to the evaluation, opinions, and records of the professional conducting the evaluation.
- Other conditions based on an individualized assessment of the student, based on the best available objective evidence.

Based on all this information, the BETA team shall make a recommendation regarding reinstatement to the Dean of Students. The Dean of Student's decision shall be reported to the Registrar. If reinstated, the hold shall be removed from the student's account allowing the student to register for classes. If the student has to apply for readmission, the student shall submit an application for admission to be reviewed and evaluation pursuant to University policies.

Appeal Process

The student must submit a request in writing to the Vice President for Student Affairs within five (5) business days after delivery of the Dean of Student's decision. The student shall state in writing the specific points the student wishes the Vice President for Student Affairs to consider.

Within five (5) business days of receiving the written appeal, the Vice President for Student Affairs will inform the student in writing of the decision. The Vice President for Student Affairs may (1) affirm the Dean of Student's decision, (2) send the matter back to the Dean of Students for further proceedings, (3) affirm the Dean of Student's findings but alter the disposition from withdrawal to conditional enrollment under specified conditions, or (4) reverse the decision and reinstate the student.