

FLORIDA A&M UNIVERSITY BOARD OF TRUSTEES



NOTICE OF PROPOSED AMENDED REGULATION

DATE: March 9, 2015

REGULATION CHAPTER NO.: Chapter 2

REGULATION CHAPTER TITLE: Student Affairs

REGULATION TITLE AND NUMBER: Voluntary and Involuntary Withdrawal (2.007)

SUMMARY OF REGULATION: This amended Regulation clarifies the involuntary and immediate temporary withdrawal processes and establishes conditions upon which a student's return to the University may be based. The Dean of Students, in consultation with the University Assessment and Care Team (ACT), may involuntarily withdraw a student whose behavior poses a significant risk of harm to the health, safety and well-being if the University community or who is unable to engage in the basic required activities necessary to obtain an education even with reasonable accommodations. The University may also refer a student for a mental health assessment and the student has an opportunity to respond to the proposed involuntary withdrawal. Additionally, the Dean of Students may immediately withdraw a student on a temporary basis to protect the health, safety, or property of the University community or when a student fails to complete an evaluation or release the results thereof. After an involuntary withdrawal, a student may submit a written request, including supporting documentation for return to the University to the Dean of Students at least 30 days prior to the semester in which the student is seeking to return.

AUTHORITY FOR REGULATION: Section 7, Article IX, Florida Constitution and Board of Governors Regulations 1.001

UNIVERSITY OFFICIAL INITIATING THIS REGULATION: Dr. William Hudson, Jr., Vice President for Student Affairs.

PROCEDURE FOR COMMENTS: Written comments concerning this proposed regulation shall be submitted within 14 days of the date of this notice to the person identified below. The comments must specifically identify the regulation you are commenting on.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED

REGULATION IS: Dr. William Hudson, Jr., Vice President for Student Affairs, 308 Foote-Hilyer Administration Center, Tallahassee, Florida 32307-3100, (850) 599-3183 (phone), (850) 561-2674 (fax), william.hudsonjr@famu.edu or Antoneia L. Roe, Esq., Associate Dean of Students and Director of Judicial Affairs, 101 Student Union Building, Tallahassee, Florida 32307-3100, (850) 599-3541 (phone), (850) 561-2169 (fax), antoneia.roe@famu.edu.

FULL TEXT OF THE PROPOSED REGULATION: The full text of this amended regulation follows:

Regulations of Florida A&M University



2.007 Voluntary and Involuntary Withdrawal ~~from University~~.

(1)- **Voluntary Withdrawal**— A student who desires to voluntarily withdraw from the University must report to his or her assigned academic advisor and explain the circumstances which he/she feels necessitates the withdrawal. If the request is approved, a Request for Voluntary Withdrawal Form (Official University Withdrawal Form), which is incorporated herein by this reference, will be completed and signed by the student, academic advisor, academic department chair and academic dean. The Voluntary Withdrawal forms are available in the academic area.

(2a)- Once the voluntary withdrawal process has been initiated, the student is required to complete the Housing and Rattler Card Office cancellation forms. The student must relinquish all residence hall keys to the Residence Hall Director and his/her meal plan card to the Office of Auxiliary Services after completing the appropriate cancellation forms. The withdrawal form must then be submitted to the Office of the Registrar. Academic Aadvisors should also refer students to the Office of Financial Aid for an exit interview if the student receives Financial Aid.

(3b)- No student will be permitted to file a Voluntary Withdrawal Form within the last five (5) weeks of the semester without receiving failing grades,

unless unusual circumstances, as determined by the University Voluntary Withdrawal Committee, are established.

(4c)- Any student who voluntarily withdraws from the University during the registration or late registration period will not receive grades at the end of the semester. Those who officially withdraw after the last day to register will receive a grade of “W” at the end of the semester. A grade of “F” for each course will be assigned to any student who leaves the University without filing the Voluntary Withdrawal Form with the University Registrar.

(5d)- Advisors should refer students to Counseling Services for post-enrollment treatment ~~referral~~ if the student shows ~~evidence of psychological signs of~~ distress.

~~(6) — **Involuntary Administrative Withdrawal** — A student will be subject to involuntary administrative withdrawal from the University, or from University housing, if it is determined by the Dean of Students that the student is suffering from a mental disorder as defined by the current edition of the American Psychiatric Association’s *Diagnostic and Statistical Manual of Mental Disorders* and as a result of the mental disorder:~~

~~(a) — engages, or threatens to engage, in behavior which poses a danger of causing physical harm to self or others, or;~~

~~(b) — engages, or threatens to engage, in behavior which would cause significant property damage, or directly and substantially impedes the lawful activities of other members of the University community, or;~~

~~(e) — is unable to engage in the basic required activities necessary to obtain an education.~~

~~(7) — These standards for involuntary administrative withdrawal of a student do not preclude removal from the University, or University housing, in accordance with provisions of the residence hall occupancy agreement or other University regulations.~~

~~(8) — A student accused of violating University Student Code of Conduct Regulation 2.012, may be diverted from the disciplinary process and withdrawn in accordance with these involuntary withdrawal standards if the objectionable behavior appears to be a result of a mental disorder.~~

~~(9) — Students subject to disciplinary charges who wish to introduce relevant evidence of any mental disorder must so inform the Associate Vice President for Student Affairs in writing at least three workdays days prior to any disciplinary hearing. If the Associate Vice President for Student Affairs determines that the evidence may have merit, the case shall then be resolved in accordance with these standards and procedures. Thereafter, if it is determined that the student does not meet the criteria set forth in section (8) above, the case will be returned to the disciplinary process. Evidence of any mental disorder may not be admitted into evidence or considered by the hearing body in any disciplinary proceeding.~~

~~(10) — The Associate Vice President for Student Affairs may refer a student for evaluation by an independent licensed psychiatrist or psychologist chosen by the institution, if the Associate Vice President for Student Affairs reasonably believes that the student may meet the criteria involuntary administrative withdrawal based on mental disorder as set forth under section (8) above, or if a student subject to disciplinary charges~~

wishes to introduce relevant evidence of any mental disorder.

~~(11) — Students referred for evaluation in accordance with the criteria of involuntary administrative withdrawal based on mental disorder as set forth under section (8)(a-b) above shall be informed in writing, either by personal delivery or by certified mail, and shall be given a copy of involuntary administrative withdrawal standards and procedures. The evaluation must be completed by not later than 5 workdays from the date of the referral letter, unless a written extension is granted in writing by the Associate Vice President for Student Affairs. Students may be accompanied by a licensed psychologist or psychiatrist of their choice, who may observe, but not participate in the evaluation process. Legal representation will not be permitted.~~

~~(12) — Any pending disciplinary action may be withheld until the evaluation for involuntary administrative withdrawal based on mental disorder is completed, at the discretion of the Associate Vice President for Student Affairs.~~

~~(13) — A student who fails to complete the evaluation in accordance with these involuntary administrative withdrawal standards and procedures may be administratively withdrawn on an interim basis, as set forth in sections (14-17) below, or referred for disciplinary action, or both.~~

~~(14) — **Interim Administrative Withdrawal** — An interim administrative withdrawal may be implemented immediately if a student fails to complete an evaluation, as provided by sections (10-11) above. Also, an interim administrative withdrawal may be implemented immediately if the Associate Vice President for Student Affairs determines that a student may be suffering from a mental disorder as defined by the current edition of the American Psychiatric Association's *Diagnostic and Statistical Manual of Mental*~~

~~Disorder, and the student's behavior poses an imminent danger of:~~

~~(a) — causing serious physical harm to the student or others, or,~~

~~(b) — causing significant property damage, or directly and substantially impeding the lawful activities of others.~~

~~(15) — A student subject to an interim administrative withdrawal shall be given written notice of the withdrawal either by personal delivery or by certified mail, and shall be given a copy of these standards and procedures. The student shall then be given an opportunity to appear personally before the Associate Vice President for Student Affairs, or a designee, within three business days from the effective date of the interim administrative withdrawal, in order to review the following issues only:~~

~~(a) — the reliability of the information concerning the student's behavior;~~

~~(b) — whether or not the student's behavior poses a danger of causing imminent, serious physical harm to the student or others, causing significant property damage, or directly and substantially impeding the lawful activities of others;~~

~~(c) — whether or not the student has completed an evaluation, in accordance with these standards and procedures.~~

~~(16) — A student subject to a interim administrative withdrawal may be assisted in the proceeding specified in section (10) by a family member and a licensed psychologist or psychiatrist, or in lieu of a licensed psychologist or psychiatrist, by a member of the faculty or staff of the institution. Furthermore, the student maybe accompanied by legal counsel, although the role of counsel will be limited to providing legal advice to the student. Students will be expected to speak for themselves whenever possible.~~

~~(17) — An informal hearing, as provided in section (18) below, will be held within seven~~

~~workdays after the student has been evaluated by the appropriate mental health professional. Such evaluation should be undertaken within three workdays after the student will remain withdrawn on an interim basis pending completion of the informal hearing, or for other necessary purposes, as authorized in writing by the Associate Vice President for Student Affairs.~~

~~(18) Students subject to an involuntary withdrawal shall be accorded an informal hearing before the Associate Vice President of Student Affairs or designee. The following guidelines will be applicable:~~

~~(a) Students will be informed of the time, date, and location of the informal hearing in writing, either by personal delivery or certified mail, at least three workdays in advance.~~

~~(b) The entire case file, including an evaluation prepared pursuant to section (5) of these standards and procedures, and the names of prospective witness; will be available for inspection by the student in Associate Vice President for Student Affairs office during normal business hours. The file, which should be available at least three workdays before the informal hearing, need not include the personal and confidential notes of any institutional official or participant in the evaluation process.~~

~~(b) The informal hearing shall be conversational and non-adversarial. Formal rules of evidence will not apply. The Associate Vice President for Student Affairs or designee shall exercise active control over the proceedings to avoid needless consumption of time and to achieve the orderly completion of the hearing. Any person who disrupts the hearing may be excluded.~~

~~(c) The student may choose to be assisted by a family member and a licensed~~

~~psychologist or psychiatrist, or, in lieu of a licensed psychologist or psychiatrist, by a member of the faculty or staff of the institution. Furthermore, the student maybe accompanied by legal counsel, although the role of counsel will be limited to providing legal advice to the student. Legal counsel may not actively participate in the proceedings.~~

~~(d) — Those assisting the student except for legal counsel, will be given reasonable time to ask relevant questions of any individual appearing at the informal hearing, as well as to present relevant evidence.~~

~~(e) — A tenured faculty member will be appointed to review and challenge any evaluation containing a recommendation for involuntary withdrawal. The faculty member will be selected in advance by the Chair of the Faculty Senate. The faculty member shall be given notice of the informal hearing, and access to the case file, in accordance with subsections (a-d) above. Furthermore, the faculty member will be given reasonable time at the hearing to ask relevant questions and to present relevant evidence designed to challenge the involuntary withdrawal recommendation.~~

~~(f) — Whenever possible, the student will be expected to respond to questions asked by the Associate Vice President of Student Affairs or designee.~~

~~(g) — The informal hearing may be conducted in the absence of a student who fails to appear after proper written notice.~~

~~(h) — The mental health professional who prepared the evaluation pursuant to sections (10-11) above may be expected to appear at the informal hearing, and to respond to relevant questions, upon request of any party, if the Associate Vice President of Student Affairs or designee determines that such participation is essential to the resolution of a dispositive issue in the case.~~

~~(i) The Associate Vice President of Student Affairs or designee may permit the University official(s), and the mental health professional who prepared the evaluation, to appear at the informal hearing and to present evidence in support of any withdrawal recommendation. Such evidence shall not be presented by legal counsel for the University.~~

~~(j) The informal hearing shall be tape recorded by the Associate Vice President of Student Affairs or designee. The informal hearing tape(s) shall be kept with the pertinent case file for as long as the case file is maintained by the institution.~~

~~(k) A written decision shall be rendered by the Associate Vice President of Student Affairs or designee within five workdays after the completion of the informal hearing. The written decision, which should be mailed or personally delivered to the student, should contain a statement of reasons for any determination leading to involuntary withdrawal. The student should also be advised as to when a petition for reinstatement would be considered, along with any conditions for reinstatement.~~

~~(l) The decision of the Associate Vice President for Student Affairs or designee shall be final and conclusive and not subject to appeal.~~

~~(19) Reasonable deviations from these procedures will not invalidate a decision or proceeding unless significant prejudice to a student may result.~~

(2) Involuntary Withdrawal.

(a) Students have a responsibility to conduct themselves appropriately and participate in the University community safely. A student, who due to extenuating circumstances, engages in behavior that poses a significant risk of harm to the health, safety and well-being of himself/herself, the

University community or property or who is unable to engage in the basic required activities necessary to obtain an education even with reasonable accommodations may be involuntarily withdrawn from the University and/or from University Housing by the Dean of Students or his/her designee. Such action may also be taken in consultation with the University Assessment and Care Team (ACT). Involuntary withdrawal is not a disciplinary action. It is a remedial action taken to assist and protect individuals.

(b) Prior to invoking involuntary withdrawal, the Dean of Students or ACT may refer the student for an evaluation by a campus or independent licensed psychiatrist or psychologist to determine if the student's behavior poses a threat to himself/herself or others. The evaluation must be completed within five (5) business days from the date of the referral. A student who fails to complete the evaluation and/or give permission for the results to be shared with the Dean of Students may be withdrawn on a temporary basis in accordance with section (3) below.

(c) A student subject to involuntary withdrawal shall be notified in writing, including the reasons for the action. The student may request, in writing, to meet confidentially with ACT within three (3) business days to respond to the proposed involuntary withdrawal. The student, at his/her own expense and initiative, may be assisted by an advisor of his/her choice during the meeting and the student is expected to speak for himself/herself. This meeting is informal, not subject to formal rules of

process, procedures, etc. and shall be recorded. The Chair of ACT shall exercise active control over the meeting to achieve orderly completion.

Any person who disrupts the meeting shall be excluded.

(d) The Dean of Students, in consultation with ACT shall render a decision in writing regarding the student's involuntary withdrawal within three (3) business days following the meeting.

(e) The student has three (3) business days from the date of written notification of the decision to submit a written appeal to the Vice President for Student Affairs. The Vice President for Student Affairs will review the request for appeal, record of the meeting and supporting documents only to consider new information that was not available during the meeting or a significant deviation from this Regulation that affected the outcome. A final written decision will be issued within five (5) business days after receipt of the appeal or the Vice President for Student Affairs shall notify the student that additional time is necessary to consider the appeal.

(3) Immediate Temporary Withdrawal

(a) The Dean of Students may implement an immediate temporary withdrawal when necessary to protect the health, safety or property of a student or the University community or when a student fails to complete an evaluation or release the results thereof in accordance with section (2)(b) above.

(b) A student subject to immediate temporary withdrawal shall be notified in writing and shall have an opportunity to meet with the Dean of Students

within three (3) business days from the effective date of the withdrawal. The student, at his/her own expense and initiative, may be assisted by an advisor of his/her choice during the meeting and the student is expected to speak for himself/herself. The meeting shall review the following issues only:

(i) The reliability of the information concerning the student's behavior;

(ii) Whether or not the student's behavior poses a danger of causing substantial, serious harm to the student or others; causing property damage; or directly impeding the lawful activities of others; and/or

(iii) Whether or not the student has completed an evaluation and provided the results thereof in accordance with section (2)(b) above.

(c) The Dean of Students shall render a written decision on the immediate temporary withdrawal within three (3) business days following the meeting. This decision shall be final and is not subject to further appeal.

(4) Failure of a student to take the opportunity to respond at the time and in the manner provided shall not affect the validity of or delay any decision made under this Regulation.

(5) A student subject to involuntary withdrawal shall receive a refund of fees as provided in Florida A&M University Regulation 3.009(5).

(6) Return to the University.

(a) A student who is involuntarily withdrawn shall have an administrative

hold placed on his/her account and the University may impose conditions for return to the University including but not limited to the following:

- (i) A written assessment from the student's treating physician, independent licensed psychiatrist or psychologist stating that the student is ready and able to safely return to the educational community;
 - (ii) A written assessment from an independent licensed psychiatrist or psychologist of the University's choice stating that the student is ready and able to safely return to the University community;
 - (iii) A written agreement from the student to attend and participate in any treatment, programs, meetings, etc. recommended by the student's treating physician, independent psychiatrist or psychologist; and/or
 - (iv) A determination by the Dean of Students and/or ACT that the student has met the conditions for return and that the University has appropriate resources to support and meet any ongoing needs of the student.
- (b) A student may submit a request to the Dean of Students at any time to return to the University. The request and all supporting documentation must be submitted at least thirty (30) days prior to the semester in which the student is seeking to return.
- (c) The Dean of Students, in consultation with ACT, will approve the request,

provide additional stipulations for return or deny the request within fourteen (14) business days after receipt of the request.

- (d) Students who remain on leave from the University for three (3) or more consecutive semesters will need to apply for re-admission to an ad hoc review board appointed by the Vice President for Student Affairs.

Specific Authority Article IX, section 7(c), Florida Constitution, Board of Governors Regulation 1.001;1001.74(4)FS. ~~Law Implemented 1001.74(4)(10) FS. History-New 10-1-75, Amended 7-19-85, Amended 7-20-86, Formerly 6C3-2.07. Amended June 29, 2006, Amended -15.~~

Cf. Rule 6C3-4.008, General Catalog of the University regarding section on withdrawals.