



**Angelo State University**  
**Operating Policy and Procedure**

**OP 64.01      Involuntary Withdrawals of Students**

**DATE:**            August 11, 2015

**PURPOSE:**      The purpose of this Operating Policy/Procedure (OP) is to provide a mechanism whereby a student may be withdrawn involuntarily from the university under certain conditions.

**REVIEW:**        This OP will be reviewed in January every five years, or as needed, by the executive director of student affairs with recommendations forwarded through the vice presidents to the president for approval and submission to the Board of Regents for approval by March 15. (*Regents' Rules*, Sections 05.01.2 and 05.01.3)

**POLICY/PROCEDURE**

**1. Involuntary Withdrawals**

Angelo State University seeks to balance the rights of individual students with the rights of the community. In order to maintain the safety of both, some behaviors require consultation among a network of campus professionals to determine the appropriate course of action to address the behavior.

**2. Statement of Principle**

When a student poses a direct threat to the health or safety of others and the direct threat cannot be eliminated or reduced to an acceptable level through the provision of reasonable accommodations where required, the student may be involuntarily withdrawn from the university.

**3. General Procedure**

- a. Notice regarding students who may be direct threats (both self-report and third-party reports) should be made to the executive director of student affairs or designee.

“Direct threat” means there is a high probability (not just a slightly increased, speculative, or remote risk) of substantial harm and based on observation of a student’s conduct, actions, and statements.

- b. The executive director of student affairs will review the information presented in the notice, including what attempts, if any, have been made to reduce or eliminate the direct threat, such as the student’s voluntary compliance with medical or counseling assistance.
- c. The executive director of student affairs or designee will notify the student of concern.

- d. The executive director of student affairs or designee will request a meeting with the student to inform the student that an initial individualized, objective assessment will be scheduled within five (5) University business days in order to determine whether the student poses a direct threat to him/herself or others. The meeting may include, but is not limited to discussion of:
  - Involvement of parents or significant others;
  - Academic progress;
  - Living arrangements;
  - Previously granted accommodations;
  - Confidentiality waivers;
  - Other possible accommodations, care and support resources including medical or counseling assistance; and
  - Withdrawal implications such as financial aid, health insurance, visas, and academic timelines.
- e. If the student does not respond to the request for a meeting or does not attend the meeting, written notice of the pending assessment will be sent via certified mail to the student's last known official, local address as provided by the student to the Registrar's Office and/or electronically to the student's university email account. Students not responding to requests for meetings or assessments may be referred to the Office of Student Affairs for allegations of failure to comply with reasonable directives and/or requests of a university official acting in the performance of his or her duties.

#### **4. Temporary Suspensions**

During the involuntary withdrawal process, if the executive director of student affairs, vice president of student affairs and enrollment management, or designee determines that an immediate direct threat exists or an overt disruption of the campus community has occurred, the student may be temporarily suspended pending a final decision on the involuntary withdrawal as long as the student has received notice of the concern, had an opportunity to address the concern, and the student was afforded a hearing and right to appeal the final decision. During a temporary suspension, the student may not attend classes, use university services and/or resources (except those expressly permitted by the executive director of student affairs), and may not be on campus until the proceedings have been resolved. If the student needs to return to campus, the visit must be coordinated through the executive director of student affairs or designee and the University Police Department.

#### **5. Involuntary Withdrawal Assessment**

- a. An individualized, objective assessment will be completed to determine whether a direct threat exists, and if so, whether the student should be permitted to remain enrolled at the university.
- b. The assessment will be based on reasonable medical judgment, using current medical knowledge, or the best available objective information, to assess the student's ability to safely participate in the university's programs. The assessment will be in the form of a written report containing the findings and recommendations of the medical and other professionals performing the assessment.

[Major revisions: Approved by the TTUS Board of Regents, August 7, 2015]

- c. Within five (5) university business days from the initial meeting with the student or five (5) university business days from the date of notice regarding the meeting, the student will be scheduled for an assessment with a medical doctor, a licensed counseling or clinical psychologist, and other professionals as appropriate. If applicable, this assessment would include a licensed professional counselor from University Counseling Services.
- d. The student may provide information from other medical professionals as part of the assessment.
- e. If a student elects not to participate in this assessment, the process will continue with the information that is otherwise available to consider.
- f. The assessment will determine:
  - The nature, duration, and severity of the risk;
  - The probability that the potentially threatening injury will actually occur; and
  - Whether reasonable modifications of policies, practices, or procedures will sufficiently mitigate the risk.

## **6. Involuntary Withdrawal Committee**

- a. The assessment report will be forwarded to the Involuntary Withdrawal Committee for review. The Involuntary Withdrawal Committee is comprised of the following voting members: the student's Academic Dean, Director of the Student Counseling Services, the appropriate representative from the Student Health Clinic, Director of Student Development, Assistant Director of Student Conduct, Senior Executive Assistant to the President, and Executive Director of Student Affairs. If the student resides in campus housing, the Director of Housing and Residential Programs will also serve as a voting member of the committee. The Executive Director of Student Affairs will chair the committee. A non-voting resource person may be assigned by the Executive Director of Student Affairs to present information and assist the committee.
- b. The Involuntary Withdrawal Committee will meet with the student in an informal, non-adversarial hearing to review the information collected throughout the process, and discuss the assessment with the student. The student will be permitted an opportunity to address the evidence being considered by the Involuntary Withdrawal Committee.
- c. The hearing will be scheduled by the executive director of student affairs within five (5) university business days of the completion of the individualized assessment. The student will be provided the information to be considered at the hearing by the executive director of student affairs in advance of the hearing. The student may elect to attend the Involuntary Withdrawal Committee hearing and present information on his or her behalf. The student may be accompanied by one or more advisors. A non-voting resource person will present information and act as a recorder for the committee. When deliberating a decision, the Involuntary Withdrawal Committee will meet in closed session with only voting members and the resource person present.
- c. Following the hearing, the executive director of student affairs or designee will determine one of the following:

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- The student may remain enrolled at the university with no restrictions;
- The student may remain enrolled at the university subject to specific conditions and/or restrictions as defined by the Involuntary Withdrawal Committee; or
- The student should be involuntarily withdrawn from the university upon a specific date.

## **7. Review of Committee Recommendation**

The executive director of student affairs or designee will notify the student in writing of the decision within five (5) university business days.

## **8. Appeals Process**

The student may appeal the decision of the executive director of student affairs or designee by submitting a written appeal to the vice president of student affairs and enrollment management within five (5) university business days. The student will be notified in writing of the final decision within five (5) university business days of receipt of the appeal.

## **9. Final Decision**

Upon completion of the appeal process or with no receipt of an appeal, the student who is involuntarily withdrawn may not attend class or use university facilities, must vacate university housing within 24 hours and may not return to campus unless approved by the executive director of student affairs. Referrals will be made for the student upon request to appropriate community resources; i.e., medical care and housing. The student may be entitled to refunds of prorated tuition, fees, and room and board charges as a result of the involuntary withdrawal. A registration hold will be placed on the student's record at the direction of the executive director of student affairs, limiting any subsequent registration until approval is given by the executive director of student affairs.

## **10. Eligibility for Readmission**

Students are eligible for consideration of readmission following an involuntary withdrawal after one calendar year from the withdrawal date. At that time, the student should present documentation to the executive director of student affairs for review. Documentation may include, but it is not limited to, a current psychological evaluation, demonstration of ongoing medical care, and a plan for care upon reenrollment. Readmission requests and documentation must be submitted at least 30 days prior to the beginning of the semester that the student wishes to attend. Readmission will be contingent upon demonstration or documentation that the student is no longer a direct threat, and upon meeting admission deadlines and requirements.