

## **Involuntary Medical Withdrawal Policy**

Accommodations for individuals with disabilities in accessing these policies are available upon request by emailing [accessiblepolicy@wcupa.edu](mailto:accessiblepolicy@wcupa.edu).

### **Purpose and Scope**

This policy applies to all students who engage in conduct that poses a significant risk of substantial harm to others or results in serious disruption of the learning environment.

### **Policy Statement**

West Chester University is committed to fostering student success, maintaining an environment conducive to learning and assuring the safety of the community. Accordingly, the University takes appropriate measures to address student conduct that is destructive to others or results in serious disruption of the learning environment. In extraordinary circumstances, the University may require a student to involuntarily withdraw from the University when it determines that this measure is the only way to protect others or to preserve the integrity of the learning environment. An involuntary medical withdrawal will be imposed only when the University has determined that the student poses a significant risk of substantial harm to others or the learning environment. This policy delineates the procedures for the imposition of an involuntary medical withdrawal.

### **Policy Framework**

The Vice President for Student Affairs or a designee may be alerted to a student's destructive or disruptive conduct from various sources on campus (such as the University Counseling Center, the Residence Life Office, etc.). When the Vice President for Student Affairs or a designee has reason to believe that a student poses a direct threat to others and that less extreme measures will not sufficiently mitigate the student's conduct,

the involuntary medical withdrawal procedure may be invoked. Such threatening conduct would include, but is not limited to: serious threats of harm to others; or conduct indicating that the student is unaware of reality or does not understand the consequences of his/her actions. Before an involuntary medical withdrawal is considered, efforts will be made to encourage the student to voluntarily withdraw from the University, thus preserving, to the extent possible, confidentiality and privacy. This policy does not preclude referral of a case to the West Chester University Threat Assessment Team at any time that referral is appropriate and does not take the place of disciplinary actions instituted in response to violations of the Student Code of Conduct or other University regulations.

### **Procedures**

The decision to impose an involuntary medical withdrawal requires a determination that the student poses a direct threat to others. The determination of a direct threat is appropriate when there is a high probability that if the situation is not addressed, the student will cause substantial harm to others or the University. The determination must be based upon an individual and objective assessment of the risk. The assessment requires the use of reasonable medical judgment based on current medical information and/or the best available non-medical evidence. The focus is on the student's present ability to function safely at the University. The specific factors to consider are: the nature and severity of the risk; the likelihood that potential harm will occur; and the availability of reasonable modifications of University policies, practices and requirements that will sufficiently mitigate the risk. The determination of a direct threat shall be made in accordance with the procedures in Section C of this policy.

#### Procedures for Imposing an Involuntary Medical Withdrawal

##### A. Consultation

1. When the Vice President for Student Affairs or a designee is concerned that a student may pose a direct threat to others, they will consult, as feasible, with

appropriate individual members of the Student Behavior Review Committee regarding the possible need for a withdrawal. If the Vice President for Student Affairs or a designee deems it appropriate, they may also consult with the student's parent(s) or guardian or another individual who is supportive of the student.

2. On the basis of these consultations, the Vice President for Student Affairs or designee makes a preliminary determination of whether the student poses a direct threat to others. If it is determined that the student does not pose a direct threat to others or that alternative measures are likely to sufficiently mitigate the conduct, the student's case may be referred to the Student Behavior Review Committee or to the University office that can best assist the student. If it is determined that the student poses a direct threat to others and that a withdrawal is the only way to protect the health and safety of others, the Vice President for Student Affairs or a designee shall invoke the procedures in Section C.

#### B. Emergency Separation on Interim Basis

If the Vice President for Student Affairs or designee, in consultation with appropriate individual members of the Student Behavior Review Committee, believes that the student poses a significant danger of imminent harm to other members of the University community, the University may require an emergency separation from the campus on an interim basis before making a final decision on the involuntary medical withdrawal.

1. The Vice President for Student Affairs or a designee must notify the student and/or his parent(s) or guardian of the emergency interim separation.

2. The student will be allowed to appear before the Vice President for Student Affairs or designee within two (2) University business days to discuss the reasons for the emergency interim separation.

At the end of this meeting, the Vice President for Student Affairs or designee may either: (i) cancel the emergency interim separation, but inform the student that the

involuntary medical withdrawal remains under consideration or (ii) extend the interim separation pending a final decision on the involuntary medical withdrawal.

### C. Notification and Assessment of Risk

1. The Vice President for Student Affairs or designee will arrange for an informal meeting with the student, which will occur as soon as possible. At this meeting, the Vice President for Student Affairs or designee will:

a. Notify the student that an involuntary medical withdrawal is under consideration and discuss the specific concerns about the student's conduct.

b. Provide the student with a copy of the Involuntary Medical Withdrawal Policy.

c. When possible and appropriate, encourage the student to take a voluntary withdrawal. See Appendix. If the student takes the voluntary withdrawal, it will be unnecessary to complete the process for an involuntary medical withdrawal.

d. Direct the student to meet with a designated health professional(s) for a physical and/or mental health evaluation within five (5) University business days if the Vice President or designee believes that an evaluation will permit a more informed decision as to whether the student presents a direct threat of substantial harm to others. A student's non-compliance with this requirement is a basis for imposing an involuntary medical withdrawal.

e. Inform the student that they may have another meeting with the Vice President for Student Affairs or a designee, representatives of the Student Behavior Review Committee and other individuals to discuss the evidence, including the report of the physical and/or mental health evaluation and any medical information or other evidence that the student believes the Vice President for Student Affairs or designee should consider. If the student has been directed to obtain an evaluation, the meeting should be held after the evaluation has been received.

2. After meeting with the student, the Vice President for Student Affairs or designee will again consult, as feasible, with appropriate individual members of the Student Behavior Review Committee. During these consultations, the participating individuals will pay particular attention to the criteria for invoking an involuntary medical

withdrawal, specifically whether the student poses a direct threat to the safety of others, or whether the student's conduct significantly disrupts the University's learning environment.

3. Following these consultations and the review of the report of the physical and/or mental health evaluation and any evidence presented by the student, the Vice President for Student Affairs or designee will make a final decision regarding the involuntary medical withdrawal and provide written notice of the decision to the student within two (2) University business days.

4. If an involuntary withdrawal is imposed, the following shall apply:

a. In addition to providing the notice specified in paragraph 3 of this section, the Vice President for Student Affairs or a designee will also provide the student with information about the process that will apply when the student seeks to re-enroll at the University or seeks to be re-admitted to a particular academic program at the University.

b. The Vice President for Student Affairs or a designee reserves the right to notify a parent or guardian of the decision if notification is deemed appropriate and may ask the parent(s), guardian or other person to make or assist with arrangements for the safe removal of the student from the University.

c. The student will be required to leave campus by the date and time established by the Vice President for Student Affairs or a designee.

d. The involuntary medical withdrawal will remain in effect for at least one (1) regular academic term and until the student completes the requirements set forth by the Vice President for Student Affairs or designee.

e. Throughout the duration of the withdrawal, the student may visit the campus only as authorized in writing by the Vice President or a designee.

f. The notation "withdrawal" will appear on the student's transcript.

g. Determinations of whether any refund of tuition and/or housing costs is available to the student will be made in accordance with West Chester University Refund Policies.

5. If an involuntary withdrawal is not imposed, the Vice President or a designee, in consultation with members of the Student Behavior Review Committee, may establish conditions and/or requirements under which the student is permitted to remain at the University.

#### Readmission

A student who has been involuntarily withdrawn may not apply for readmission until after at least the passage of one (1) regular academic term. The student's application or request for readmission must be approved by the Vice President for Student Affairs and the Provost or their respective designees. Approval may be granted only if the Vice President for Student Affairs and the Provost or their respective designees, in consultation with the Student Behavior Review Committee and the University's Counseling Center determine that the student no longer poses a direct threat to the safety of them or others. The Vice President for Student Affairs, the Provost or their designees will require documentation or a physical and/or mental health evaluation before issuing a decision. The student must also meet the admission or enrollment requirements of the University and specific academic program in which he/she seeks to enroll. The student is not entitled to a hearing on the decision of the Vice President for Student Affairs and Provost or their respective designees.

#### Records and Fees

All records concerning these proceedings shall be maintained by the Vice President for Student Affairs and shall be kept confidential in accordance with the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and its implementing regulations, 34 CFR, Part 99.

#### **Definitions**

Involuntary Medical Withdrawal: The separation of a student from the University and its facilities for no less than one (1) term, as required by the Vice President for Student Affairs or a designee.

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Direct Threat: Significant risk of causing substantial harm to other members of the University community or the University.

Significant Risk: A high probability of substantial harm and not just a slightly increased, speculative or remote risk.

Student Behavior Review Committee: A University committee, established to assist students who display behavior that is destructive or substantially disruptive, comprised of the following individuals and/or their designees: Vice President for Student Affairs, Assistant Vice President for Student Affairs, Assistant Dean of Students, Director of Judicial Affairs and Student Assistance, Director of Counseling Center, Director of Student Health Services, Director of the Office of Services for Students with Disabilities, Director of Residence Life and Director of Public Safety/Chief of Police.

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