

# OFFICE OF THE GENERAL COUNSEL: USF REGULATIONS

NOTICE: PROPOSED REGULATION

DATE: July 12, 2010

Regulation No: USF 6.0163	TITLE: Involuntary Health-Related Withdrawal
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## Summary

Florida Board of Governors Regulation 1.001 (3-26-09) provides that each Board of Trustees is authorized to promulgate university regulations in accordance with the Regulation Development Procedure adopted by the Board of Governors, (7-21-05). Such regulations must be consistent with law, and the regulations and strategic plan of the Board of Governors.

The Board of Governors requires that each board of trustees shall be responsible for campus safety and emergency preparedness, including safety and security measures for University personnel, students, and campus visitors. (BOG Regulation 1.001)

The Vice President for Student Affairs has determined the need for the University to have regulation establishing the ability of each campus and institution to adopt a procedure for the involuntary withdrawal of students in emergency health-related situations to guard the health, safety, or welfare of the student and the University community.

Involuntary health-related withdrawal will be invoked when a student's behavior presents a direct threat or danger to self or others, or if the behavior causes significant disruption to the University community.

The proposed regulation was reviewed by the Student Affairs Management Council on April 20, 2010.

## (End of Summary)

Proposed Regulation follows:

### **USF Regulation 6.0163, Involuntary Health-Related Withdrawal**

(1) In order to create a safe and healthy learning environment and to ensure the well-being of all its students and employees, the University of South Florida System (USF System) may initiate an involuntary health-related withdrawal of a student. This process is not a routine substitute for disciplinary action when there is a violation of the Student Code of Conduct nor

will it supplant the USF System’s policy for addressing violations of substance abuse and alcohol policies. However, if a student’s behavior indicates that the behavior may be the result of a physical or psychological health-related issue, the USF System may encourage the student to seek appropriate treatment and to consider a voluntary withdrawal as needed or recommended by his/her health care provider and/or the USF System may request that the student seek a medical or psychiatric evaluation and if the student declines the request or there are other indicators that support immediate action, the USF System may proceed with an involuntary health-related withdrawal.

Involuntary health-related withdrawals will occur rarely and will be invoked when the student’s behavior presents a direct threat, when the student is deemed to be a danger to self or others, or if the behavior causes a significant disruption to the University community and the student chooses not to voluntarily withdraw from the USF System.

(2) Designated Office(r) for Referrals

(a) The Student Affairs offices at each entity within the USF System, including the Tampa Campus, College of Medicine, Separately Accredited Institutions and Regional Campuses, will develop and maintain a copy of internal procedures to identify a mechanism or identify an office/person responsible to administer this Regulation. Those internal procedures may reflect necessary modifications to this Regulation to reflect the specific characteristics of that entity. This Regulation shall use the term “Designated Office(r)” to refer in a generic way to the designated office(r) responsible for administering this Regulation recognizing each campus or institution may have designated the person or team with a different or no title.

(b) As students in the USF System may register for courses on multiple campuses or institutions, to ensure a comprehensive USF System response, any student referred for consideration under this Regulation to any designated office will also be reported to the

Tampa Students of Concern Assistance Team (SOCAT) Campus Case Manager for centralized record keeping purposes.

(3) Outline of Basic Criteria for Involuntary Withdrawal Procedure:

(a) Reporting and response: If a person/office observes what appears to be a student whose behavior presents an imminent threat to self or others, that person/office should immediately notify the University Police by calling 911. If the person/office observes what appears to be a student whose behavior presents a direct threat (though not imminent), the person should contact the Designated Office(r) directly and/or contact the University Police or the student conduct office to request guidance or response.

(b) Assessment: The Designated Office(r) will gather data and information regarding the student using existing threat assessment protocols to determine the level of threat to self or others. If the Designated Office(r) believes that the threat is clear and direct, and likely the result of a mental or physical illness, the student will be approached by a senior level Student Affairs administrator (and assisted, as needed, by other appropriate staff) and may be offered one or more of the following options:

- i. Take a voluntary medical leave of absence.
- ii. Undergo a voluntary, individualized, independent assessment by a trained medical or psychological practitioner chosen in conjunction with the USF System to determine if the student's behavior poses a direct threat to self or others. The USF System will maintain a list of available professionals and will discuss the costs of the evaluation with the student.
- iii. Provide a signed release of information to permit the USF System to contact an existing treatment provider so that relevant records and information can be shared.
- iv. Comply with treatment recommendations of his or her healthcare provider.

(c) Review: If the student agrees to obtain a voluntary evaluation or allow contact with his/her treatment provider, the Designated Office(r) will review the recommendations. The Designated Office(r), in consultation with the campus or institution's coordinator of disability services or designee, will attempt to make any reasonable and appropriate accommodations recommended by the health care professional to enable the student to remain in school. If the Designated Office(r) determines that this is not a safe or viable alternative, the USF System may still elect to invoke an involuntary health-related withdrawal and require the student to take a leave of absence until such time that he or she is determined not to be a risk to self and others.

(d) Notification: If the student refuses the options above or is determined to be a direct threat to self or others, the student will be notified that the Designated Office(r) is considering an involuntary health-related withdrawal. Before the final determination to withdraw a student, he or she may request an opportunity to meet confidentially with a subgroup of specific administrators which, depending on the campus or institution, could include one or more of the following: the Dean of Students, the Director of the Counseling Center, the Director of Medical and Clinical Services for Student Health Services and the Assistant AVP for Health and Wellness.

(e) Immediate Temporary Suspension: At any time, if deemed necessary, the USF System may invoke an immediate temporary separation from the USF System which may remain in place pending final determination. This may prohibit a student from attending classes, participating in registered student organizations or activities or entering USF System owned or affiliated housing.

(f) Financial Implications: Regardless of the circumstances for withdrawal, the USF System Tuition and Fees Regulations (USF 4.0102 and 4.0107), Policy 30-013 and USF System

Residence Hall Regulation (USF6.013) will apply with regard to tuition, fees refunds and University housing.

(g) Appeal Process: Any student subject to involuntary withdrawal may appeal in writing to the campus or institution senior student affairs officer (e.g. Vice President of Student Affairs, Regional Vice Chancellor of Student Affairs, Dean of Students) or designee within three (3) days of the date of the notice to the student of the involuntary withdrawal. The senior student affairs officer will consider the written appeal and render a final decision within ten (10) days or notify the student that additional time will be necessary to consider the appeal. The senior student affairs officer's decision is a final USF System action.

(h) Returning from Leave: A student withdrawing under this Regulation, whether voluntary or involuntary, may submit a request to the Designated Officer at any time to return to the USF System during the subsequent semester. Students returning from leave will be required to submit documentation to the USF System from a medical or psychological provider. The documentation must indicate that the student is fit to return to school, able to meet academic standards and safely participate in the University community. In exceptional circumstances, the USF System may elect to request a second, independent opinion paid for by the USF System. As needed, the USF System, in consultation with the campus or institution's coordinator of disability services or designee, will work with the student to make necessary reasonable accommodations as recommended by the treating health professional. Students on involuntary health-related withdrawal will not be considered as having had a disciplinary action nor will they be subject to additional requirements or exceptional standards upon their return.

Authority: Art. IX, Sec. 7, Fla. Constitution. Fla. Board of Governors Regulations 1.001, 6.001. New XX-XX-10.

**AUTHORITY TO ADOPT:** *Art. IX, Sec. 7, Fla. Constitution; Fla. Board of Governors Regulations 1.001, 6.001.*

**UNIVERSITY OFFICIAL INITIATING PROPOSED REGULATION:**

Dr. Jennifer Menningall, V.P., Student Affairs

**WRITTEN COMMENTS CONCERNING THIS PROPOSED REGULATION MAY BE SUBMITTED WITHIN 14 DAYS AFTER THE POSTING DATE OF THIS NOTICE TO:**

Dee Brown, Agency Clerk  
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Tampa, FL 33620-6250  
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