

NOTICE OF PROPOSED REGULATION

Date: August 20, 2021

REGULATION TITLE:

Involuntary Withdrawal Procedures; Mandated Assessment

REGULATION NO.:

UCF-5.0065

SUMMARY OF PROPOSED REGULATION:

Regulation UCF-5.0065 addresses involuntary withdrawal and mandated assessment processes for students in crisis. This regulation is proposed for adoption as a new regulation, but the text is from the current Regulation UCF-5.006. By moving this material to its own regulation, it is hoped that this information will be more accessible and also that Regulation UCF-5.006 will be more straightforward. The one proposed change to the pre-existing text is with regard to the involuntary withdrawal procedure, specifically allowing the appellate officer additional time to review a student's appeal of an involuntary withdrawal decision.

AUTHORITY: BOG Regulations 1.001 and 6.0105

NAME OF PERSONS WHO INITIATED PROPOSED REGULATION:

Michael Gilmer, Director of Student Conduct and Academic Integrity

COMMENTS CONCERNING THE PROPOSED REGULATION SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. The comments must identify the regulation you are commenting on.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS:

Regulations Administrator
4365 Andromeda Loop N.
Millican Hall, Suite 360
Orlando, FL 32816-0015
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FULL TEXT OF THE PROPOSED REGULATION:

UCF-5.0065 Involuntary Withdrawal Procedures; Mandated Assessment

(1) Involuntary Withdrawal Procedure.

(a) Introduction.

1. The University of Central Florida is committed to ensuring equality of educational opportunity while cultivating an environment that is safe for the campus community and supportive of student learning. The University will seek to intervene where a student's behavior interferes with the rights of others within the University community or where the student presents a significant risk of harm to the health, safety, well-being and/or property

rights of others. In such situations, safety and security concerns are paramount, and the University must react as promptly as feasible under the circumstances. University officials may consider a number of reasonable security and health and safety measures, including, but not limited to, requesting emergency assistance and seeking psychiatric evaluation, hospitalization, and treatment for mental illness as appropriate under the law. Additionally, the University may determine that it is necessary for the student to be involuntarily withdrawn from the University for the protection of others. This section outlines the procedures to be used by the University in making an involuntary withdrawal decision.

2. This involuntary Withdrawal Procedure will be applied in a nondiscriminatory manner, and decisions will be based on consideration of the student's conduct, actions, and statements and not on knowledge or belief that the student has a disability.
 3. The purpose of the Involuntary Withdrawal Procedure is for the University to be able to take urgent action when circumstances present a Significant Risk based on reasonably available information at the time. It will be necessary for the University to act promptly and for the benefit of the community as a whole, even if that means that, in consideration of later-presented information, the procedure ultimately concludes in favor of the student's continued enrollment (with or without conditions). Where the involuntary withdrawal procedure is invoked but the student is permitted to continue enrollment with no conditions, the University will take reasonable steps to assist the student in resuming their academic endeavors with as little disruption as feasible under the circumstances.
- (b) **Direct Threat.** When a student's behavior is deemed to pose a direct threat risk to the health and safety of the community, the Associate Vice President and Dean of Students ("Dean of Students") or their designee may initiate an involuntary withdrawal of the student on behalf of the university. The Dean of Students or designee will consult with the University Crisis Team before a final decision is made on the involuntary withdrawal of the student. A student poses a Direct Threat when the student's behavior poses a "Significant Risk" to the health or safety of the student or others, or of significant property damage, or of substantial disruption to the lawful activities of others or the educational process or orderly operation of the University, and reasonable modifications of policies, practices, or procedures will not sufficiently mitigate the risk. Significant Risk is defined as the high probability of harm, threats of harm, or disruption and not just a slightly increased, speculative, or remote risk of such. Significant Risk is identified based on information that is reasonably available at the time of consideration. Information may be provided to the University through different means, including an incident report to Office of Student Rights and Responsibilities (OSRR), a police report, information provided following a hospitalization, or any other reliable source.
- (c) **Interim Involuntary Withdrawal.**
1. A student may be involuntarily withdrawn from the University on an interim basis ("Interim Involuntary Withdrawal") if the Assistant Dean of

Students or designee determines, based upon information reasonably available at the time, that the student poses a Direct Threat as defined above. A student will remain on Interim Involuntary Withdrawal pending the outcome of the Interim Involuntary Withdrawal Review. An Interim Involuntary Withdrawal may be imposed prior to a meeting of the University Crisis Team.

2. A student will be notified of Interim Involuntary Withdrawal through a written notice outlining the Interim Involuntary Withdrawal procedure, including the time, date, and location of the Interim Involuntary Withdrawal Review.
 3. A student under Interim Involuntary Withdrawal shall be given an opportunity to present information to the University Crisis Team within three (3) business days from the effective date of the Interim Involuntary Withdrawal, to review the following issues only:
 - a. The reliability of the information concerning the student's behavior and,
 - b. Whether or not the student's behavior poses a Direct Threat, as defined above.
 4. Should the student fail to attend the Interim Involuntary Withdrawal review, the review may be held in the student's absence, and any recommended actions will be made using the information available at the time of the scheduled review.
 5. If upon conclusion of the Interim Involuntary Withdrawal review, the University Crisis Team determines the student will remain on Interim Involuntary Withdrawal based on the above defined issues, the University Crisis Team will proceed with the Involuntary Withdrawal procedures as outlined below.
- (d) Involuntary Withdrawal – Notice to Student. A student subject to Involuntary Withdrawal is entitled to the following:
1. Notice of intent to remove the student pursuant to this policy stating the reasons for the proposed action.
 2. The opportunity to examine the psychiatric or other evaluations provided to the University Crisis Team and to discuss them.
 3. The opportunity to present relevant information for consideration of their case personally, or by a licensed mental health professional working with that student, if the student is not capable of self-representation.
 4. The opportunity to have an advisor of the student's own choice accompany the student to any meetings or proceedings described in this procedure. The advisor may not present on behalf of the student or otherwise participate in the meeting or proceeding.
 5. The right to appeal.
- (e) Involuntary Withdrawal – Meeting of the University Crisis Team. The Assistant Dean of Students or designee will call a meeting of the University Crisis Team no earlier than five (5) business days after notifying the student of the proposed Involuntary Withdrawal. The student will be notified of the time, date, and location of the University Crisis Team meeting. The student may be present at

this meeting and may present information in support of themselves. Following the student's presentation, the team shall meet in a confidential deliberation. At the conclusion of this confidential deliberation, the team shall make a recommendation to the Dean of Students or designee, based upon the Team's review of all available information at the time of the meeting, as to whether the University should:

1. involuntarily withdraw the student due to Direct Threat;
 2. make no changes to the student's status;
 3. allow continued enrollment with conditions; or
 4. if the student is on Interim Involuntary Withdrawal at the time, reinstate the student with or without conditions.
- (f) Involuntary Withdrawal – Notifying Student of Recommendation and Decision. The Dean of Students or designee will make a final decision regarding the student's enrollment status based on the totality of information available to the University and considering both the University Crisis Team's recommendation and any information presented by the student. The Dean of Students or designee will notify the student in writing within two business days of the final decision regarding the student's enrollment status.
- (g) Involuntary Withdrawal Appeal – In the event a student disagrees with the decision of the Dean of Students or designee, the student may appeal the decision. The appeal must be made in writing to the Vice President for SDES, or designee, within three (3) business days after the date of the notification to the student of the decision. A student may appeal the decision based on one or more of the following criteria:
1. Irregularities in fairness and stated procedures that could have affected the outcome of the decision.
 2. Discovery of new and significant information that could have affected the outcome and that was not known or could not reasonably have been discovered and/or presented at the time of the meeting.
 3. The outcome is extraordinarily disproportionate to the reported behavior. The Vice President of SDES or designee, shall, within three (3) business days, sustain the initial decision or return the case to the University Crisis Team for re-consideration. Should the appellate officer require additional time for review beyond the three (3) business days, the appellate officer shall notify the student in writing of the need for additional time. The Vice President's decision to sustain the initial decision is final action. If the matter is returned for re-consideration, the process will resume at the step outlined in subsection (e), above.
- (h) Upon being involuntarily withdrawn, the student may no longer enroll in classes, may not be an active member of a registered student organization, may no longer use University facilities, must vacate University owned housing, may no longer be permitted on University property, and may not be employed by UCF. Additionally, an involuntarily withdrawn student may be entitled to whatever refunds of tuition, fees, and room and board charges as would be appropriate given the timing of the withdrawal.
- (i) Students who are involuntarily withdrawn from the University shall have a hold placed on their records, which will prevent them from being readmitted or

reenrolled at the institution except as stated in this paragraph. A student may request readmission or reenrollment at the University and provide the Dean or Students or designee with documentation from an appropriate healthcare provider of their choice who has conducted a proper assessment of the student and concluded that the student is ready and able to safely return to the University and does not pose a Direct Threat as defined above. In cases where the Dean of Students or designee has imposed other conditions for readmission, it is the responsibility of the student to provide documentation of compliance with such conditions.

- (j) A student who is considered for but ultimately not subject to Involuntary Withdrawal may be subject to conditions on continued enrollment at the University. In such cases, the student will be provided with a written summary of any such conditions and must meet all conditions in order to maintain student status. A student who fails to meet such conditions may be later subject to involuntary withdrawal by the Dean of Students or designee or may be subject to charges through the University's Student Conduct Review Process for failure to comply.
- (k) The current voluntary medical withdrawal process should not be used to handle withdrawals where a Direct Threat is evident or where a violation of the Rules of Conduct has allegedly occurred. Information for students seeking a medical withdrawal is available in the Catalog.
- (l) As a general principle, the University prefers to use the Student Conduct Review Process in instances of misconduct, without regard to whether the student has a physical or mental condition that might be contributing to the misconduct. The Involuntary Withdrawal Procedure is to be employed in those situations in which the regular Student Conduct Review Process is not applicable or, due to safety concerns, cannot be applied in a sufficiently timely fashion.

(2) Mandated Assessment Procedure. This University procedure is established to respond to behaviors or actions that result in hospitalization from imminent danger to self or others via the Baker Act (F.S. 394.463) or Marchman Act (Chapter 397, Florida Statutes), significant acts or threats of violence to others, chronic eating disorders, dramatic and/or expansive displays of self-mutilation, behaviors that are significantly disruptive to the UCF community and /or diminish the ability of a student to care for oneself. Whenever the UCF Police provide transportation of a UCF student to the hospital for involuntary examination, the police will file a report with the OSRR. In addition, anyone may also file reports about students of concern with Student Care Services.

- (a) Once a report is received regarding a UCF student hospitalization via the Baker Act or the Marchman Act, Student Care Services may utilize the mandated assessment session(s) to evaluate a student's risk of harm to self or others, and to take appropriate actions to ensure the safety of the student or others if risk is present. In addition, the mandated assessment session(s) are designed to assist students in developing a safety and/or well-being plan and provide students with educational resources. A member of Student Care Services will contact the student in a timely manner and require an initial meeting between a Student Care Services staff member and the student to inform the student of their rights and responsibilities regarding the incident.

- (b) All students identified as threatening self-harm or having attempted suicide must complete a mandated assessment with a licensed mental health professional and/or a physical assessment with a licensed medical provider. Examples of a licensed mental health professional include a Student Health Services psychiatrist, a Counseling and Psychological Services clinician, or a community based licensed mental health professional or licensed psychiatrist of the student's choice. Student Care Services will require proof of participation for the mandated assessment with a licensed mental health professional and/or proof of a physical assessment with an appropriate medical provider. The student must meet with Student Care Services within ten (10) business days following release to complete a follow up appointment. Student must provide proof of assessment within twenty (20) business days following release or prior to return to the University (in the event a student withdraws for the remainder of the semester or is placed on Medical Withdrawal). Failure to comply may result in disciplinary action or the convening of the University Crisis Team.
- (c) In cases where more protective action is needed based on more severe behavior/conduct (e.g., behavior endangering others, threats to harm others, behavior significantly disruptive to the UCF community), the Assistant Dean of Students or designee may initiate one or both of the following:
 1. Interim Suspension followed by initiating the Student Conduct Review Process;
 2. Convening of the University Crisis Team to consider the initiation of the Involuntary Withdrawal Procedure.

Authority: BOG Regulations 1.001 and 6.0105. History - New _____-21.