

REVISED INVOLUNTARY MEDICAL WITHDRAWAL

STATEMENT OF POLICY

One of the University's purposes is to ensure equality of educational opportunity while fostering an environment that promotes education, research, service, and the growth and safety of all members of its community. From time to time University officials become aware of a student who may be seriously interfering with this purpose because of a mental, emotional, or psychological health condition. In these situations, University officials may consider the appropriateness of (1) utilizing the regular student disciplinary system, or (2) involuntary examination, hospitalization, and treatment for mental illness under state law. In addition to, or instead of, either of those procedures, the matter may be handled as a potential medical withdrawal according to the standards and procedures described in this policy.

Implementation

An involuntary medical withdrawal can be invoked when a student's behavior demonstrates that he poses a potential threat to himself or others or creates a pattern of extreme disruption. If such behavior constitutes a violation of university rules and regulations, the case may be referred to the Office of Judicial Affairs. If the student's behavior occurs in the absence of any violation of rule or regulation, the Vice Chancellor for Student Affairs will investigate the situation and the effect of behavior on the student and the university community. The Vice Chancellor may choose to conduct a personal interview with the student. If, as a result of this interview, the Vice Chancellor determines that the student's withdrawal from campus may be necessary, he/she will recommend withdrawal to the student.

If the student will not withdraw voluntarily, the Vice Chancellor will consult with the Committee on Involuntary Withdrawal to advise the Committee in the disposition of the situation. The committee will consist of: (1) the Vice Chancellor for Academic Affairs, (2) the student's dean or department chairperson, (3) the Director of the University Counseling Center, and (4) a representative from the A.H. Ray Student Health Center.

The committee must afford the student a hearing and an opportunity to be heard on the matter. Admissible evidence may include witnesses, written reports, documents or written statements, and must include a mental health professional's written evaluation.

- A. The student's rights at the hearing shall include the following:
1. The right to be present, unless the student disrupts the hearing.
 2. The right to present relevant evidence.

3. The right to question all witnesses at the hearing and to comment upon all documents presented.

B. The members of the Panel may also ask questions of any witness.

C. Formal legal rules of evidence will not apply at the hearing. However, the chair may exclude evidence that is not relevant or is cumulative.

D. The hearing will be closed to the public and the testimony and other evidence presented will be kept confidential.

E. The hearing will be tape recorded and the recording will be made available to the Committee, the student (upon written request), and to any decision-maker involved in the appeal. The tape shall be preserved so long as the possibility of appeal or litigation remain open.

Following this period, the tape shall be destroyed according to the UNC Record Retention Schedule.

THE DECISION OF THE COMMITTEE

The Committee will base its decision on evidence presented at the hearing. The concurrence of at least two Committee members will be required to withdraw a student under this policy. If the Committee concludes that the student does not meet the standard for medical withdrawal, it will so inform the student and the in writing, and the procedure shall terminate. If the Committee concludes that the student does meet the standard for medical withdrawal, the Committee shall so state in a written decision that will include its reasons for this conclusion. This written decision will be provided to the student.

The Committee may, at its discretion, permit a student who meets the standard for medical withdrawal to remain enrolled on a probationary basis under specified conditions which may include, but are not limited to, participation in an ongoing treatment program, acceptance of and compliance with a behavioral contract, a housing relocation, a lighter academic course load, or any combination thereof. When making its determination of appropriate probationary conditions, the Committee may consult on an informal basis with faculty, Residence Life, and other University staff. The Committee shall write its decision within two (2) business days after the hearing. The Committee may deliver the decision to the student either by certified mail, return receipt requested, or in person, and it will become effective immediately upon deposit in the mail.

Students who leave campus under the above conditions, either voluntarily or involuntarily, will be readmitted to the university only after being cleared by the Committee on Involuntary Withdrawal.

Involuntary medical withdrawal is not a substitute for appropriate disciplinary action. A

student suffering from a mental disorder who is accused of a disciplinary violation should not be diverted from the disciplinary process unless, as a result of the mental disorder, the student either lacks the capacity to respond to the charges, or did not know the nature and quality of the act in question. Further, this policy should not be used to dismiss socially or politically "eccentric" students who have not otherwise engaged in behavior which poses a danger to themselves or to others, or which substantially disrupts normal University activities.

Involuntary medical withdrawal should be reserved for those cases where interim measures, such as a behavioral contract, are deemed inappropriate, or cannot be agreed upon by the student and the University.

Appeals Process

If the Committee on Involuntary Withdrawal mandates the student's medical withdrawal or imposes conditions on his/her remaining enrolled at the University, and the student believes that the outcome was unreasonable or that the procedures used were unfair, the student may appeal, in writing, to the Chancellor. Once the Committee on Involuntary Withdrawal has delivered its decision to the student, the student has 2 business days to submit his/her appeal in writing. The Chancellor or his designee will respond, in writing, to the student's written appeal within 2 business days. The Chancellor or his designee may (1) affirm the Committee's decision, (2) send the matter back to the Committee for further proceedings, (3) affirm the Committee's findings but alter the disposition from withdrawal to probationary enrollment under specified conditions, or (4) reverse the Committee and reinstate the student. The Chancellor's decision is final unless the decision is to withdraw the student.

Readmission Process

A former student who has been medically withdrawn under this Policy and wishes to return must follow the University procedures for readmission. Students who leave campus either voluntarily or involuntarily will be readmitted to the university only after being cleared by the Committee on Involuntary Withdrawal. Permission for readmission will typically be based on the student's demonstration of a period (at least one semester) of stable behavior outside the university, and shall require a statement from a physician, psychologist, or other qualified professional external to the campus who gives an opinion that the student is ready to return and cope with university life. Conditions for follow-up services may be required as part of the readmission decision. These conditions shall be established by the Committee on Involuntary Withdrawal.

Effective Date: This policy becomes effective upon adoption of Board of Trustees.

Adopted this 19th day of June, 2009

Nigel D. Alston
Chairman, Board of Trustees
Winston-Salem State University

Martin B. Davis
Secretary, Board of Trustees
Winston-Salem State University