

**INTRODUCTION**

The purpose of this policy is to describe the criteria and process for an involuntary health or safety withdrawal of a student from John A. Logan College.

**POLICY**

In accordance with College policy and applicable federal and state laws, a student who meets the criteria for involuntary health or safety withdrawal may be subject to involuntary health or safety withdrawal by the College.

A. Criteria for Involuntary Health or Safety Withdrawal

1. The criteria for involuntary health or safety withdrawal of a student are met if there is a substantial risk of either of the following:
  - a) Significant harm to the health or safety of the student or others (“Harm”); or
  - b) Unreasonable impediment to lawful educational process or activity for apparent medical or mental health reason of the student (“Impediment”).
2. A student should not be subject to involuntary health or safety withdrawal under these procedures when disciplinary, academic, or other administrative responses are available and the student’s circumstances can best be addressed through those responses. When practicable and appropriate, efforts should be made to persuade a student to withdraw voluntarily under applicable procedures with conditions for readmission before initiating the involuntary health or safety withdrawal process.
3. In evaluating whether a student meets the criteria for involuntary health or safety withdrawal, an individualized and objective assessment will be made of the student taking into consideration the following: (i) the nature, duration and severity of the risk of Harm or Impediment, (ii) the probability that the Harm or Impediment will actually occur, and (iii) whether accommodations requested by the student (if any) are reasonable and can be provided by the College to reliably and satisfactorily reduce the risk of Harm or Impediment.

B. Campus Violence Prevention Committee

The College has established the Campus Violence Prevention Committee (CVPC) whose duties include assisting in evaluating whether students meet the criteria for involuntary health or safety withdrawal. CVPC will include representatives from the Student Success Center, Campus **Police**, criminal justice faculty, allied health faculty, ABE/GED, Franklin Williamson Human Services, and the vice president for **instructional services**. College legal counsel and an appropriate health professional may be added as needed.

**C. Involuntary Health or Safety Withdrawal Process****1. Procedure Initiation**

Any member of the College community who has reason to believe that a student may meet the criteria for involuntary health or safety withdrawal may contact the dean for student services or the director of emergency planning and risk management to request an informal review.

**2. Preliminary Determination by Dean for student services**

a) During the informal review, the dean for student services shall preliminarily determine whether reasonable support for application of this policy for consideration of possible involuntary health or safety withdrawal has been received. In making that determination, the dean for student services will consider whether (i) the information received is not inherently not credible, (ii) the information received (along with other information that the dean for student services could reasonably anticipate receiving through the Involuntary Health or Safety Withdrawal process set forth below) could meet the requirements for involuntary health or safety withdrawal and (iii) disciplinary, academic, or other administrative responses are not available or the student's circumstances cannot best be addressed through those responses.

b) If the dean for student services has so found reasonable support for application of this policy, the dean for student services, before determining whether to proceed further with the process for an involuntary health or safety withdrawal must determine whether the procedures for interim involuntary health or safety withdrawal or involuntary health or safety withdrawal (non-interim) should be applied. Upon making that determination, the dean for student services shall proceed with the appropriate procedures as outlined below.

**3. Interim Involuntary Health or Safety Withdrawal**

a) If health or safety is an immediate concern, the College may take interim action to protect the well-being of the student and/or other members of the College community. By interim involuntary health or safety withdrawal, the College may remove a student from any or all College premises and programs when the dean for student services, after considering reasonably available professional and other information determines in his/her judgment that a substantial risk of Harm exists and emergency interim withdrawal under these procedures is appropriate.

b) If during the involuntary health or safety withdrawal (non-interim) process the student refuses to meet with the dean for student services, and/or refuses to undergo assessment or to keep a scheduled appointment, the dean for student services may require interim removal without a meeting and/or assessment if the dean for student services concludes on the basis of the available evidence that the student meets the criteria for involuntary health or safety withdrawal.

- c) Interim involuntary health or safety withdrawal is a preliminary action taken to protect the health and safety of the student withdrawn, or of others, and is not a penalty. Students subject to interim involuntary health or safety withdrawal immediately proceed to the involuntary health or safety withdrawal process.

#### 4. Involuntary Health or Safety Withdrawal (Non-Interim)

- a) Having found reasonable support for application of this policy for consideration of possible involuntary health or safety withdrawal, but having determined that the procedures for interim involuntary health or safety withdrawal are not necessary (either because interim involuntary health or safety withdrawal is already in effect or because health or safety is no longer of immediate concern), the dean for student services, before determining whether to proceed further with the process for an involuntary health or safety withdrawal, shall take the following steps:
  - 1) Exercise all reasonable efforts to meet with the student.
  - 2) If warranted, offer the student the opportunity to be evaluated, at the College's expense, by a qualified, licensed medical or mental health professional selected by the College. The professional shall assess, among other things, whether the student might meet the criteria for involuntary health or safety withdrawal. The professional shall present his or her findings to the dean for student services. The assessment will be provided to CVPC and other administrators involved under this policy and the student will sign any documents deemed necessary to authorize the release of records and disclosure of information and consultation between the professional and the dean for student services, CVPC and other administrators involved under this policy. A student who refuses to undergo an assessment or to sign such documents may be subject to interim involuntary health or safety withdrawal and/or the drawing of negative inferences against the student in the process for involuntary health or safety withdrawal (interim or non-interim).
- b) The dean for student services may, at his/her discretion, permit a student who, upon the available evidence, meets the criteria for involuntary health and safety 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 lighter academic course load, or any combination thereof. When making a determination of appropriate probationary conditions, the dean for student services (i) may consult on an informal basis with CVPC, faculty, and other College staff and (ii) will consider the risk of Harm or Impediment and the probability that the specified conditions will reliably and satisfactorily reduce the risk of Harm or Impediment.
- c) Upon review of a student who, upon the available evidence, meets the criteria for involuntary health and safety withdrawal, the dean for student services, after consultation with CVPC, may (i) promptly proceed with a hearing as set forth below or (ii) recommend to the student that the student voluntarily withdraw for health or safety

reasons. If the student does not agree to withdraw voluntarily, the dean for student services shall promptly proceed with a hearing as set forth below.

5. Hearing

The College shall afford the student an opportunity for an informal hearing on the matter as set forth below.

- a) The dean for student services shall conduct the hearing.
- b) Representatives of CVPC shall attend the hearing.
- c) At the hearing, evidence relevant to whether the student is subject to involuntary health or safety withdrawal under the criteria for involuntary health or safety withdrawal will be presented. Admissible evidence may include witnesses, written reports, documents or written statements, and a medical or mental health professional's written assessment. Formal legal rules of evidence will not apply at the hearing. However, the dean for student services may exclude evidence that s/he deems cumulative or not relevant.
- d) The student's rights at the informal hearing shall include the following:
  - 1) The right to be present, unless the student disrupts the hearing.
  - 2) The right to present relevant witnesses, evidence and statements.
  - 3) The right to question all witnesses at the hearing and to comment upon all documents presented.
  - 4) The right to be accompanied by an appropriate advisor at the student's expense. The advisor may be a spouse or parent/guardian, a health professional of the student's choice, a faculty or staff member, or an attorney. The advisor may advise the student, but, unless the student is incapacitated, the advisor may not actively participate in the hearing (e.g., question witnesses or present evidence).
- e) The dean for student services and members of CVPC may also ask questions of the student or any witness.
- f) The hearing will be closed to the public and the testimony and other evidence presented will be kept confidential.
- g) The hearing will be audio recorded and the recording will be made available to CVPC, the student (upon written request), and to any decision-maker involved in an appeal.

## 6. Decision

- a) The dean for student services shall render a decision based on evidence presented at the hearing, with due consideration given to the input received from CVPC. If the dean for student services concludes that the student does not meet the criteria for involuntary health or safety withdrawal, the dean for student services will so inform the student and CVPC in writing and the procedure shall terminate. If the dean for student services concludes that the student does meet the criteria for involuntary health and safety withdrawal, the dean for student services shall so state in a written decision that will include the reasons for this conclusion. This written decision will be provided to the student and CVPC within two (2) business days after the conclusion of the hearing.
- b) If the decision is made to withdraw the student, the College, upon the issuance of a notice of determination of involuntary withdrawal by the dean for student services, will involuntarily withdraw the student. Conditions for readmission will be specified in writing. An involuntary withdrawal would be effective immediately upon issuance of the dean for student services' notice of determination or such later date as may be specified in the notice and the withdrawal shall remain in effect throughout the pendency of any appeal process.

## 7. Appeal of Involuntary Health or Safety Withdrawal

- a) A student who is involuntarily withdrawn under this policy may submit a written request to the vice president for **instructional services** for a review of the decision. To be timely, any such appeal must be received by the vice president for **instructional services** within seven (7) business days of the notification of the dean for student services to involuntarily withdraw the student. The student may request that the Office of Admissions notify the student's instructors of the student's absence from classes. The vice president for **instructional services** shall review the written appeal within seven (7) business days of receipt of the written appeal.
- b) At the conclusion of the review, the vice-president for **instructional services** shall determine whether to (i) require that a new hearing be conducted by the dean for student services or other administrator designated by the vice-president for **instructional services**; (ii) uphold the withdrawal; or (iii) reinstate the student. The vice president for **instructional services** may also modify the conditions of readmission. The decision of the vice president for **instructional services** shall be final.

## 8. Readmission

- a) A student who has been withdrawn under this procedure (voluntarily or involuntarily) and who wishes to be considered for readmission must contact the dean for student services and provide appropriate documentation to comply with the conditions of readmission.

- b) The dean for student services will review the request for readmission as follows:
  - 1) review and investigate compliance with the conditions of readmission;
  - 2) consult with appropriate members of CVPC; and
  - 3) meet with the student.
- c) The dean for student services will recommend to the vice president for **instructional services** whether, in the judgment of the dean for student services, the student should be readmitted.
- d) The Vice president for **instructional services** will make the final decision regarding readmission.

9. Miscellaneous

- a) Reasonable deviations from these procedures by the College will not invalidate a decision or proceeding unless significant prejudice to a student is caused by such deviation.
- b) Failure of a student to take the opportunity to respond at the time and in the manner provided by the College shall not invalidate or delay any decision made or action taken under this Policy.
- c) Whenever an action may be or is required to be taken under this policy by the dean for student services or Vice president for **instructional services**, the action may be taken respectively by the dean or vice president's designee.
- d) During the Involuntary Health or Safety Withdrawal process, a representative of the College may contact the student's parents or legal guardians, if deemed appropriate.

ADOPTED:       OCTOBER 26, 2010  
AMENDED:       MAY 27, 2014; **SEPTEMBER 30, 2016**  
LEGAL REF.:  
CROSS REF.: