

# Section 3: Involuntary Withdrawal Policy and Procedure

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## **(A) Preamble**

Emory University considers the safety and welfare of its students, faculty, and staff a top priority. When a student engages in behavior that violates Emory's rules of conduct, the behavior will be addressed as a disciplinary matter under the applicable Student Conduct Code. The Student Conduct Code defines prohibited conduct and outlines a process for conducting disciplinary proceedings.

This Involuntary Withdrawal Policy and Procedure is not a disciplinary code, policy or process. It is not intended to apply to situations in which a student engages in behavior that violates the University's rules of conduct. It is intended to apply when a student's observed conduct, actions and/or statements indicate a direct threat to the student's own health and/or safety, or a direct threat to the health and/or safety of others. There may be situations in which both this Involuntary Withdrawal Policy and the Student Conduct Code may apply. In all cases, the Dean of the Laney Graduate School shall have final authority regarding the decision, enactment, enforcement, and management of the involuntary withdrawal of a student.

## **(B) Criteria**

A student may be withdrawn involuntarily from Emory if the University determines that the student represents a direct threat to the health and safety of himself/herself or others by:

1. Engaging or threatening to engage in behavior which poses a high probability of substantial harm to himself/herself or others; or
2. Engaging or threatening to engage in behavior which would cause significant property damage, would directly and substantially impede the lawful activities of others, or would interfere with the educational process and the orderly operation of the University.

## **(C) Procedure**

When the Dean or his/ her designee, based on a student's conduct, actions or statements, has reasonable cause to believe that the student meets one or more of the

criteria for involuntary withdrawal, he or she may initiate an assessment of the student's ability to safely participate in the University's program.

An Assistant or Associate Dean initiates this assessment by first meeting with the student to:

1. Review available information concerning the behavior and/or incidents which have caused concern;
2. Provide the student with a copy of this Involuntary Withdrawal Policy and Procedure and discuss its contents with the student;
3. Provide the student an opportunity to explain his/her behavior; and
4. Discuss options available to the student, including counseling, voluntary withdrawal and evaluation for involuntary withdrawal.

If the student agrees to withdraw voluntarily from the University and waives any right to any further procedures available under this policy, the student will be given a grade of W for all courses, will be advised in writing of any conditions necessary prior to re-enrollment, and will be referred for appropriate mental health services.

If the student refuses to withdraw voluntarily from the University, and the Assistant or Associate Dean continues to have reasonable cause to believe the student meets one or more of the criteria for involuntary withdrawal, the Assistant or Associate Dean may require the student to be evaluated by an appropriate mental health professional.

#### **(D) Evaluation**

The Assistant or Associate Dean may refer the student for a mandatory evaluation by an appropriate mental health professional. The mental health professional may be selected by the University, so long as there is no cost to the student for the evaluation. A written copy of the involuntary referral shall be provided to the student.

The evaluation must be completed within five school days after the date the referral letter is provided to the student. Prior to the evaluation, the student will be required to sign a written authorization authorizing the exchange of relevant information among the mental health professional(s) and the University. Upon completion of the evaluation, copies of the evaluation report will be provided to the Assistant or Associate Dean and the student.

The mental health professional making the evaluation shall make an individualized and objective assessment of the student's ability to safely participate in Emory's program, based on a reasonable professional judgment relying on the most current medical knowledge and/or the best available objective evidence. This assessment shall include a determination of the nature, duration and severity of the risk posed by the student to the health or safety of himself/herself or others, the probability that the potentially threatening injury will actually occur, and whether reasonable modifications of policies, practices or procedures will sufficiently mitigate the risk. The mental health professional will, with appropriate authorization, share his/ her recommendation with the Assistant or Associate Dean, who will take this recommendation into consideration in determining whether the student should be involuntarily withdrawn from Emory. A copy of the mental health professional's recommendation will be provided to the student, unless, in the opinion of the mental health professional, it would be damaging to the student to do so.

If the evaluation results in a determination by the mental health professional that the student's continued attendance presents no significant risk to the health or safety of the student or others, and no significant threat to property, to the lawful activities of others, or to the educational processes and orderly operations of the University, no further action shall be taken to withdraw the student from the University.

If the evaluation results in a determination that the continued attendance of the student presents a significant risk to the health or safety of the student or others, such that there is a high probability of substantial harm, or a significant threat to property, to the lawful activities of others, or to the educational processes and orderly operations of the University, the student may be involuntarily withdrawn from the University. In such an event, the student shall be informed in writing by the Assistant or Associate Dean of the involuntary withdrawal, of his/her right to an informal hearing, of his/her right to appeal the decision of the hearing officer, and of any conditions necessary for re-enrollment. In most cases, a student who is involuntarily withdrawn will be given a grade of W in all courses in which the student is currently enrolled.

### **(E) Informal Hearing**

A student who has been involuntarily withdrawn may request an informal hearing before a hearing officer appointed by the Assistant or Associate Dean by submitting a written request to be heard within two business days from receipt of the notice of involuntary withdrawal. A hearing will be set as soon as possible. The student shall remain involuntarily suspended pending completion of the hearing.

The hearing shall be informal and non-adversarial. During the hearing, the student may present relevant information and may be advised by an Emory faculty or staff member or a licensed health professional of his/her choice. The role of the advisor is limited to providing advice to the student. At the conclusion of the hearing, the hearing officer shall decide whether to uphold the involuntary withdrawal or whether to reconsider, and the student shall be provided written notice of the hearing officer's decision as soon as possible.

### **(F) Appeal to the Dean**

The student may appeal the hearing officer's decision to the Dean, who shall review all information presented and make a final decision as to whether or not to uphold the involuntary withdrawal.

### **(G) Emergency Suspension**

The University may take emergency action to suspend a student pending a final decision on whether the student will be involuntarily withdrawn, in situations in which:

- There is imminent danger of serious physical harm to the student or others;
- There is imminent danger of significant property damage;
- The student is unable or unwilling to meet with the Assistant or Associate Dean;
- The student refuses to complete the mandatory evaluation; or
- The Assistant or Associate determines such other exceptional circumstances exist that suspension is warranted.

In the event emergency action is taken to suspend the student on an interim basis, the student shall be given notice of the emergency suspension and an initial opportunity to address the circumstances on which the emergency suspension is based.

#### **(H) Conditions for Readmission**

Because this Involuntary Withdrawal Policy applies to cases in which there is a concern about the safety of the student or others, the Dean or his/her designee may require a student who has been involuntarily withdrawn under this Policy to be re-evaluated before he/she is readmitted in order to assure that he/ she presents no direct threat to himself/ herself or others.

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