

Kennesaw State University Protocols for Voluntary and Involuntary Withdrawal for Medical and/or Psychological Reasons

These protocols apply to any student who withdraws from the University for medical or psychological reasons. These protocols are used to help transition a student to a safer and/or more conducive environment when remaining at the University is not in the best interests of the student or the university community. The University encourages a student to withdraw voluntarily when medical conditions or psychological distress make a withdrawal necessary and seeks to ease that transition and potential eventual return to the University. In those times where encouragement to the student to withdraw voluntarily has not been successful, involuntary withdrawal under these protocols may be implemented. A Dean of Students Medical Withdrawal Hold will be placed on the account of any student who withdraws for medical or psychological reasons.

I. Student-Initiated Withdrawal

Students may voluntarily withdraw from the University for any reason prior to the Deadline to Withdraw Without Academic Penalty. The dean of students (or designee) may grant a medical withdrawal after the Deadline to Withdraw Without Academic Penalty has passed to students who are able to demonstrate medical or psychological reasons by clear and convincing evidence. Grade appeals for any reason and withdrawals for other forms of hardship (i.e., not related to physical or mental health) are addressed through other policies and procedures. Requests made after grades have posted or after the designated submission deadline for that term will be referred for appeal through other policies and procedures. Except under unusual circumstances, withdrawals for medical or psychological reasons must be made for all courses. An approved medical or psychological withdrawal will result in a grade of W for all courses and the procedures for tuition and fee reimbursement outlined in the KSU Catalog will be followed. Medical withdrawals will be granted for a specified period and return may be contingent on the satisfaction of certain conditions. A student withdrawal agreement will specify the reasons for and period of withdrawal, detail any conditions necessary for reinstatement, and provide that a hold will be placed on the student's registration status until the student is eligible for reinstatement.

II. University-Initiated Withdrawal

If a student is behaving in a way that is threatening to the life, health, safety, or welfare of any member of its community, the dean of students (or designee) may initiate these procedures. The dean of students (or designee) shall determine, after an individualized assessment, what behaviors warrant invoking this procedure.

The first step will be to determine an appropriate initial action. The primary alternatives for initial action are as follows, but these do not preclude other actions based on a specific situation.

1. Continue at the university with no restrictions. The university may take no action if it is decided, based on review of the referral information or other information presented, that the student may be allowed to continue with no restrictions. In those cases, care should be taken to provide opportunities for the student to be advised of accommodations and supportive services that are available. In cases where there are conduct actions pending, those actions should go forward.
2. Continue at the university pending further proceedings. The university may require that the student meet certain conditions regarding the student's behavior over a specified period of time if he/she is to remain enrolled. Such conditions here could include, for example, stopping classroom disruptiveness, or continuing only if the student avails him or herself of supportive services or accommodation arrangements. Failure to comply with the conditions, coupled with further disruptive behavior, may result in having additional conduct complaints added to any that were previously pending or deferred.
3. Remaining enrolled at the university subject to conditions but without eligibility to remain in campus housing. Under certain circumstances, where other students' living and learning environment is very likely to be disrupted by a student's behavior, the director of residence life will have the option of allocating alternative and more suitable living accommodations if such are available, or removing a student from campus housing on an interim basis.
4. Interim Suspension. When in the judgment of the dean of students (or designee) the continued presence of a student presents an immediate danger to the life, health, welfare, safety or property of any member of the KSU community, the student may be subject to an immediate change in status. This may include an immediate denial of campus housing and/or suspension from the University.

III. Standard for Interim Suspension

Interim suspension, under these protocols, may be imposed by the dean of students (or designee) when necessary to (a) protect the health and safety of a student or of the community, when investigating a conduct violation, (b) to allow time for a behavioral mental health assessment or evaluation, or (c) when a student fails to participate in the process. Interim suspension will be used for periods of time pending a hearing for a Code of Conduct violation or Involuntary Withdrawal.

A. Interim Suspension Review

Students who are suspended on an interim basis may petition the dean of students (or designee) for a review to show cause why they should not be suspended on an interim basis. This proceeding will be limited to:

1. the reliability of the information concerning the student's behavior;

2. whether the student's behavior poses a danger of causing serious harm, damage or disruption;
3. whether additional information has become available, such as the results of a behavioral mental health assessment or evaluation.

In the event that a student does not or is unable (e.g., incarcerated, hospitalized) to initiate a review, the dean of students (or designee) will conduct an administrative review of the available evidence within five business days of the initiation of the suspension. The sole decisions to be made at the review are whether interim suspension should be continued or modified, and whether medical withdrawal should remain in consideration.

IV. Standard for Involuntary Medical/Psychological Withdrawal

The University may withdraw a student if it is determined, by a preponderance of the evidence (that it is more likely than not) that the student is engaging in or threatening to engage in behavior which (a) significantly disrupts the campus community, (b) constitutes a threat to the life, health, safety, or welfare of any member of the campus community, (c) renders the student unable to engage in basic required activities necessary to obtain an education (including, but not limited to, the inability to attend or complete academic courses or coursework; or, when considered with other facts, the inability to attend to the student's own basic, daily hygienic requirements), or (d) substantially impedes the lawful activities of others.

A. Standard for Separating a Student on the Basis of Behaviors Resulting from a Condition of Disability

Students who have self-disclosed and provided documentation to the University of a disability that meets the requirements of KSU and the University System of Georgia are afforded the rights and protections defined in Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990. A student who is under consideration for involuntary medical/psychological withdrawal may request that the dean of students (or designee) consider whether the documented disability is a significant factor in the behavior in question.

If a student has a disability that has been properly recognized by the University, and the student engaged in behavior that is deemed disruptive but not likely to lead to imminent harm, the University may provide reasonable accommodations in an effort to mediate the effects of the disability on the student's participation in University programs. The dean of students, in consultation with other professionals,, will develop an accommodation plan that affords the student a reasonable opportunity to continue at the University while supporting the need to maintain an academic environment that is orderly, civil, and conducive to learning.

If the student continues to cause significant disruption to the University environment even with appropriate accommodations, the student may be subject to involuntary withdrawal proceedings as defined above.

B. Status of Code of Conduct Proceedings

If the student has been accused of a violation of the Conduct Code, but it appears that the student is not capable of understanding the nature or wrongfulness of the action, this medical withdrawal policy may be activated prior to issuance of a determination in the conduct process.

If the student is ordered to be medically withdrawn from the University, or another action is taken under these provisions following a finding that the student's behavior was the result of a lack of capacity, such action terminates the pending conduct action. If the student is found not to be subject to medical withdrawal or other action under this section, conduct proceedings may be resumed.

C. Referral for Assessment or Evaluation

The dean of students (or designee) or Behavioral Response Team may refer or mandate a student for evaluation by a campus or independent licensed psychiatrist or psychologist (LPC, LCSW, etc.) chosen or approved by the institution if it is believed that the student may meet the criteria set forth in this policy or if a student subject to conduct proceedings provides notification that information concerning a mental/behavioral disorder will be introduced. The referral for evaluation will require the student to provide the results to the appropriate administrators.

Students referred or mandated for evaluation will be so informed in writing with personal and/or delivery via KSU student email, and will be given a copy of these standards and procedures. The evaluation must be completed within five business days from the date of the referral letter, unless an extension is granted by the Dean of Students (or designee). A student who fails to complete the evaluation in accordance with these standards and procedures, or who fails to provide the evaluative results to the appropriate administrators, may be withdrawn on an interim basis, or referred for conduct action, or both.

V. Involuntary Medical Withdrawal Hearing Procedures

If the medical evaluation or administrative assessment supports the need for medical withdrawal, a hearing will be scheduled before the dean of students (or designee) who may consult with appropriate medical or mental health professionals (e.g., representatives of Counseling & Psychological Services or Student Health Services). The student will be informed via the KSU student email account, which is the official means of communication between the university and its students. The student will be given at least two business days prior to the hearing to independently review the psychological or psychiatric evaluation and any other evidence that will be presented in support of involuntary withdrawal. In addition, the student will be notified of who is expected to present information at the hearing, and is expected to notify the dean of students (or designee) in advance of any witnesses the student expects to bring. The student is entitled to call medical experts or other expert witnesses, and the university may do so as well. The student may consult with an advisor throughout this process,

and the dean of students (or designee) has the discretion to permit an advisor to be present at the hearing. The role of the advisor is to advise rather than actively represent the student.

If the evaluation does not support medical withdrawal, the dean of students (or designee) will notify the student within five business days. If other action is pending, the appropriate individuals will be notified and will proceed with their actions. The student and the student's representatives may present information for or against involuntary medical withdrawal and will be given the opportunity to ask questions of others presenting information. The hearing will be conversational and non-adversarial; however the dean of students or other designated person in charge of the hearing will exercise active control over the proceeding, to include deciding who may present information. Formal rules of evidence will not apply. Anyone who disrupts the hearing may be excluded.

A written decision will be rendered by dean of students (or designee) within five business days, stating the reasons for its determination. The decision will be delivered via the KSU student email account. If the student is withdrawn, the notification will include information concerning when reapplication may be made, as well as specifying any conditions of reinstatement. The decision of the dean of students, or designee, is subject to appeal to the vice president for student affairs. A recording of the proceeding will be kept.

VI. Appeal

A decision in favor of withdrawal can be appealed within five business days of the issuance of the written decision of withdrawal. The withdrawal takes effect immediately unless otherwise specified. Appeal requests must be in writing and will be delivered to the appeals officer, who is the vice president for student affairs (or designee).

If the appeals officer determines that one of the three bases for appeal, below, has been met, a review by the appeals officer will be conducted, at the discretion of the appeals officer. This is the final level of review in the matter.

Except as required to explain the basis of new information, appeals are typically limited to review of the record or transcript of the initial hearing and supporting documents. At the discretion of the appeals officer, witnesses may be called, or a rehearing held, for one or more of the following purposes:

1. There were procedural errors in the process (a procedure error occurs when there is not substantial compliance with KSU policies and procedures as published on the KSU website);
2. Significant new information or evidence becomes available that was not available or known to exist as of the hearing date and that evidence would likely have influenced the original decision;

3. There were substantive errors in the decision (a substantive error occurs when there was no evidence to justify a withdrawal decision or other means of supporting the student that may have prevented the need for withdrawal were not adequately considered).

The vice president of student affairs (or designee) may support or change a decision and/or modify a withdrawal determination, making changes only if a compelling justification to do so exists. The appeal outcome will be communicated via the student's KSU email account and will typically be issued no more than five business days after the appeal is requested.

VII. Reinstatement

A student seeking reinstatement who has been medically withdrawn must petition the dean of students (or designee) for reinstatement. In evaluating whether a student should be reinstated, the dean of students (or designee) shall conduct an individualized assessment of whether the student is qualified, from a health and safety perspective, to rejoin the university. Return to the University may be conditioned upon the receipt of information deemed necessary to evaluate a student's qualifications. This includes, but is not limited to, medical evaluations, the release of relevant medical records, compliance with treatment plans, a demonstrated ability to meet the academic and conduct standards, and interviews with school officials.

In addition to the information that a student seeking reinstatement submits, the university may require the student to undergo an evaluation by a licensed physician or psychologist (LPC, LCSW, etc.). The results of such evaluation must be disclosed to appropriate university personnel.

In addition to any requirements set forth by the University for reinstatement under these protocols, the general readmission policies and procedures of the University will be followed, along with any academic college, department, or program specific policies and procedures. A medical withdrawal is not considered a conduct action, though a prior medical withdrawal may be considered in subsequent conduct hearings involving the student.

Revised July 10, 2015