

## **University of Baltimore**

### **I-2.7 Involuntary Withdrawal Policy and Procedures**

**Approved on:** May 18, 2021

#### **I. Purpose and Introduction**

The University of Baltimore is committed to ensuring the equality of educational opportunity while fostering an environment that promotes education, research, service, and the growth and safety of all members of its community. There may be times when a University official becomes aware of a student who engages in behavior that presents a direct threat of harm to the health or safety of the campus community, or when students engage in behavior that is so severely disruptive as to interfere with the academic pursuits and other activities of the University community that may require initiation of this Involuntary Withdrawal Policy and Procedures. In these instances, the identified student will be first offered the opportunity to voluntarily withdraw from all courses and the University through the withdrawal policy; however, if the student refuses to withdraw and these conditions for involuntary withdrawal are met, the student will be withdrawn according to the process described below.

The University of Baltimore provides a range of resources, support services, and accommodations to address the physical and mental health needs of students. This policy will be applied in a non-discriminatory manner following applicable federal and state laws prohibiting discrimination based on disability or any other protected classifications.

For the purpose of this policy, an involuntary withdrawal is defined as a temporary administrative withdrawal from all classes and the University that may include additional restrictions to campus access, Bee Card access, and the ability to register for classes based on the available evidence provided to University officials. Any restrictions will be communicated to the student in writing.

#### **II. Prior to Involuntary Withdrawal**

1). The Office of Student Support shall conduct an individualized assessment of the student and will give careful consideration to the opinions and recommendations of the student's treating physician or mental health professional, if available, along with the opinions and recommendations of the healthcare professionals consulted by the Office of Student Support.

- a. The Office of Student Support will encourage the student to provide any other additional information that the student believes is relevant to the determination.
- b. The University will respect the student's confidentiality, and only require the student to provide a medical release for access to the student's medical and mental health records as reasonably necessary to complete its individualized assessment.

2). Based on that individualized assessment, the Office of Student Support will determine whether, and what, reasonable modifications can be made that would be effective to allow such student to continue to attend classes or engage in other academic activities and otherwise participate in its educational programs while seeking treatment for, or recovering from, any related medical or mental health conditions.

3). However, in the event that the Office of Student Support also considers whether the student poses a direct threat to the health or safety of others, the Office of Student Support will make an individualized assessment based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

4). The Office of Student Support will require an Involuntary Withdrawal for a student only if:

- a. after the individualized assessment, consultation with the Clinical Case Manager, and careful review and consideration, the Office of Student Support concludes that the student's continued participation in its educational programs would require modifications that would be unreasonable or would fundamentally alter the nature of those programs;
- b. the student rejects all reasonable modifications offered by the Office of Student Support and the student cannot meet the Office of Student Support's essential eligibility requirements and technical standards to continue to participate in its educational programs; or
- c. even with the provision of all of the reasonable modifications offered by the Office of Student Support, the student cannot meet University's essential eligibility requirements and technical standards.
  - i. If the Office of Student Support decides to impose an Involuntary Withdrawal, the Office of Student Support will advise the student in writing (via: official University of Baltimore email) of the leave and duration, any restrictions from coming on campus or participating in University related activities, and available academic appeals procedures; the Office of Student Support shall document the decision as well as the underlying facts, assessments and determinations;
  - ii. An Involuntary Withdrawal is an administrative decision and is not a disciplinary action; however, separate disciplinary action may result from the underlying behavior of the student pursuant to the Student Code of Conduct

5). The following is the expected timeline for the Involuntary Withdrawal process. While this provides guidance on when each step may be completed, there may be instances in which the process cannot be followed due to unforeseen circumstances.

a) Notification

The Student will be notified in writing by the Dean of Students within (2) two business days of the referral for an involuntary protective withdrawal. Included in the notification will be the contact information, a copy of this policy, and the date for the initial hearing.

b) Review of evidence and initial recommendation

The review of the available evidence including documentation provided by the student will be conducted within (5) five business days from the receipt of the initial notification by the referred student.

c) Initial Decision

The initial decision will be due within (2) two business days from the conclusion of the initial individual assessment.

d) Decision requirements

If the decision requires certain action to be taken to ensure the student's safe return to the University, they will coordinate with the Office of Student Support to identify an appropriate timeframe to fulfil their obligations under the decision.

### **III. Case Management Support**

A leave of absence affords students the opportunity to take a break from the University and their studies so they may focus on issues that are impacting their emotional, physical, or behavioral wellness. Students may return to the University once they have met with representatives from the Office of Student Support (OSS). At the meeting they will be provided the opportunity to present information and other evidence that indicates they have addressed any issues impacting their ability to achieve their educational goals.

Students who have been identified for Involuntary Withdrawal will be assigned to the Clinical Case Manager for continued case management support. The identified student will be encouraged to complete a release of information form to allow the Clinical Case Manager to speak directly with the treatment team supporting the student to allow for a clearer communication and collaboration between the student's treatment team and the Clinical Case Manager. Services provided by the Clinical Case Manager will include but are not limited to:

1. Collaboration with the identified student to create a success plan for re-entry following their involuntary withdrawal.
2. Weekly check-in meetings with the identified student upon their re-entry into the University community for the first two months following the student's involuntary withdrawal.
3. Referral to University offices and programs that further support the student's needs following their involuntary withdrawal.
4. Referral to community supports, services, and programs that further assist the student following their involuntary withdrawal.

### **IV. Appeals**

A. Valid grounds for an appeal are limited to the following:

1. Specified procedural errors or omissions in the investigation or assessment of the identified student or errors in the interpretation of University policies that were so substantial as to effectively deny an identified student notice or a fair opportunity to be heard and the error or omission significantly impacted the outcome of the individual assessment. The written

request for appeal must specify the error or omission and its potential impact on the outcome;

2. Consideration of certain new evidence, unknown or unavailable during the original investigation, which if considered would have substantially impacted the outcome of the individual assessment. The written request for appeal must include a copy of the new evidence and provide an explanation of the evidence's potential impact on the outcome.
3. Specified violations of substantive due process (i.e., the decision was based on an illegal or constitutionally impermissible consideration such as race, gender, exercise of First Amendment freedoms, etc.). The written request for appeal must specify the violation and its potential impact on the outcome; and/or
4. There is a reasonable claim that the decision to involuntarily withdraw the student from the University of Baltimore is disproportionate to the severity of the student's safety risk to themselves or others.

B. A student may appeal the decision of the Dean of Students (or designee) that the student be involuntarily withdrawn. To file an appeal, the student must submit a written statement to the Associate Vice President for Student Success and Support Services or designee ("Appeal Officer") within fifteen (15) business days after receipt of the decision by the Dean of Students.

Failure to file a request within the specified time constitutes an acknowledgement that the student accepts the administrative withdrawal and waives their right for further appeal. However, an appeal may be accepted if there are extenuating circumstances that prevented the student from filing within the fifteen (15) business days. The student must present a request for a late appeal in writing to the Appeal Officer and identify the extenuating circumstances that prevented a timely appeal. Appeals made under this circumstance will be reviewed and either approved or declined at the discretion of the Appeal Officer.

The written statement should include, at minimum, the following elements:

1. Student's name;
2. Student's University ID number;
3. The grounds for appeal; and
4. A statement, including relevant documents or evidence, explaining why the decision requires reversal.

In certain limited circumstances, the student may require that a third party (e.g., parent, guardian, spouse, or other person) submit an appeal on behalf of a student. If that is the case, please include a statement describing why the student cannot complete the appeal process. It is the expectation that any appeal originates from the student directly unless there are significant extenuating circumstances.

C. Upon receiving a student's appeal, the Appeal Officer reserves the discretion to determine if an in-person meeting with the student is necessary and any related follow up. All appeal decisions made by the Appeal Officer are final. Information Appeal Officer may consider as part of a student's appeal includes, though is not limited to, objective and observable behaviors of the student, current medical information, and educational records.

D. The Appeal Officer will assess the facts and circumstances presented within fifteen (15) business days.

The Appeal Officer may decide to:

1. Uphold an involuntary withdrawal;
2. Revoke the involuntary withdrawal, which may include certain additional specified conditions; or
3. Modify the involuntary withdrawal, which may include, but not be limited to, making different determinations regarding the conditions that the student must meet in order to return or remain enrolled at UB. Examples of such conditions include, though are not limited to, providing medical documentation demonstrating readiness to return to the academic environment; successfully completing a treatment program; restrictions from certain campus locations; and/or completion of an academic reintegration plan.

E. This process will also be utilized for any appeals of re-enrollment decision.

## V. Refunds

If a student is involuntarily withdrawn from the university – the tuition will be refunded according to the tuition refund deadlines stated for that academic semester. If the student is withdrawn due to an unanticipated extenuating circumstance than they are encouraged to follow the tuition appeals guidelines as provided by the University.

This procedure statement does not address tuition and fee refunds. Please contact the Office of the Bursar regarding refunds of tuition and fees.

## VI. Implications of an Involuntary Leave of Absence

A. **Student Status.** Students on a leave of absence generally retain their admitted student status; however, they are not registered and therefore do not have the rights and privileges of registered students.

B. **Effective dates of leave.** A student must leave the University within the timeframe set forth by the Dean of Students. The leave will remain in effect until (1) it is determined after an individualized assessment that the student is able to return to the University with or without reasonable accommodations and (2) the student has complied with any University requirements applicable to all students returning from a leave and all of the conditions mandated by the Dean of Students and/or the Associate Vice Present of Student Support and Success Services.

C. **Association with the University while on leave.** Unless expressly permitted by the Dean of Students in writing, students on an involuntary leave of absence are not permitted to be present at the University and are not permitted to engage in any University-related activities.

D. **Visa Status.** International students (F-1 and J-1 Visa holders) placed on an involuntary leave of absence are strongly recommended to contact the Office of International Services as the leave of absence can significantly impact their F-1 and J-1 visa status. The Office of Student Support will

notify the Office of International Services within (2) business days of any international student who has been placed on an involuntary leave of absence.

## **VII. Request Procedures for Re-Enrollment**

1). Students who have been involuntarily withdrawn from the University by process of the Involuntary Protective Withdrawal process must submit a formal request for re-enrollment to the Dean of Students. Students must present evidence that they have satisfied all conditions of re-enrollment that were established at the time the involuntary withdrawal was instituted. Evidence may include, but is not limited to, a formal assessment by a licensed medical health professional. The Dean of Students will assess the evidence provided and make a determination within fifteen (15) business days regarding whether the student can safely return and meet the essential eligibility requirements and technical standards of the college/program with or without reasonable accommodations. In addition to a formal request for re-enrollment, a student who has been withdrawn may be required to reapply to the University for admission depending upon the length of time they were separated from the University. The student will be notified of such a requirement as part of the Dean of Students' determination of eligibility to return. Should a student reapply to the University prior the submission of a formal request for re-enrollment, the student will be referred to the Dean of Students.

2). Where a student was involuntarily withdrawn due to a determination that the student posed a direct threat to the safety of others, the University will no longer exclude the student, or place special conditions on the student's participation in its program when the student is able to demonstrate the student no longer poses a direct threat to the safety of others. Written notice of this determination will be provided to the student, consistent with section II, paragraph 5 d above. In appropriate cases, the University of Baltimore may readmit the student subject to restrictions as the University of Baltimore deems appropriate to protect the safety of others.

- a. If, however, the student is determined to be a continued direct threat to others, the University of Baltimore will restrict re-enrollment until the student can provide documentation that the student is no longer a threat. Such documentation may include but not be limited to a treatment plan or periodic reports from a licensed medical health professional. The University of Baltimore will not, however, condition the provision of a benefit or service upon a showing by the student that the student has eliminated behaviors that are a manifestation of a disability, unless such behavior significantly contributed to the direct threat.

3). The Dean of Students will notify the Office of Admissions if the involuntary withdrawal requires that the student be unenrolled for more than two (2) concurrent semesters. In situations where students have a change in their enrollment status, reapplication will not supersede this process.

4). The student will be notified in writing of the decision regarding their request for re-enrollment by the Dean of Students.

5). In the event that a request for re-enrollment is denied, the student will be eligible to reapply the following full academic semester (Fall/Spring).