

## **Involuntary Withdrawal DSA.DS.500.002**

The University of Mississippi is committed to the well-being and safety of all its community members. Therefore, a student may be involuntarily withdrawn from the University if it is determined that the student presents a danger to others or is unable to function at the University. Decisions for involuntary withdrawal will be made by the Behavioral Intervention Team (BIT). A decision for involuntary withdrawal will only be made after less drastic measures have been considered and rejected as inappropriate or insufficient under the circumstances. Prior to any involuntary withdrawal, a student will be encouraged to withdraw voluntarily.

This policy does not take the place of disciplinary action for a student's violations of University policy. This policy is to be invoked only in extraordinary circumstances where it is determined that other policies are inadequate or inappropriate.

The standard for involuntary withdrawal is clear and convincing evidence that:

- The student represents a danger to others, or
- The student's behavior indicates that he or she is unable to function independently as a student, or the student's behavior is disruptive to the University community in a manner that significantly interferes with the rights of other students or with the ability of University staff members to perform their job functions, and
  - The problematic behavior cannot be remediated by reasonable accommodations, and
  - The student either refuses University services or the severity of the student's behavior indicates that treatment is beyond the scope of University services (for example, the student needs in-patient mental health care in order to control his or her disruptive behavior), or
- The student's behavior represents a danger to himself or herself and there is clear and convincing evidence that the student is no longer capable of making decisions in their best interests.

Disruptive behavior resulting in involuntary withdrawal may be a single, egregious episode, or repeated episodes of disruptive behavior that, taken individually, might not be grounds for withdrawal, but taken collectively, could be grounds for withdrawal.

Disruptive behavior may include the student's inability to take care of their basic needs to the extent that this lack of self-care represents a threat to the health of the campus community.

University staff are committed to helping students, even those dealing with mental health issues. Therefore, students seeking treatment will not be involuntarily withdrawn from the University unless the student's behavior otherwise meets the standards for withdrawal under this policy. Furthermore, the University will not involuntarily withdraw a student simply because they exhibit eccentric or unusual behavior.

Prior to involuntarily withdrawing a student, BIT may require that the student undergo a mandatory assessment. The evaluation will not be required if BIT believes that such an assessment will not be helpful in arriving at a decision.

A student who is being considered for involuntary withdrawal shall be notified in writing by BIT. If the student would like to request an inquiry meeting before BIT to review the decision or provide additional information, they must request an inquiry meeting in writing within 48 hours of the initial notification. If a student requests an inquiry meeting, it will be conducted as soon as possible, but no later than seven calendar days after the request is made, unless both the student and BIT agree that a further postponement is necessary. While the inquiry meeting is pending, BIT may, for safety reasons, prohibit the student from being on campus or limit other student privileges or access to University facilities or resources.

The inquiry meeting will be informal. The student may bring a parent, an advisor, or a mental health professional to the meeting. The student will be allowed to present any evidence that he or she believes demonstrates that involuntary withdrawal is not necessary; however, BIT may decline to hear evidence that is irrelevant or redundant. If a student fails to appear at a scheduled inquiry meeting, BIT may, at its discretion, conduct the inquiry meeting in the absence of the student.

If BIT decides that involuntary withdrawal of a student is necessary, the student may appeal in writing to the Vice Chancellor for Student Affairs (VCSA), based on appeal criteria listed below. The student has 24 hours to notify their intent to appeal the involuntary withdrawal decision. Following the notification of intent to appeal, the student has three (3) business days, exclusive of intervening holidays, to file their appeal unless a longer period of time is specified in writing by the VCSA. Upon receipt of the student's notice of intent to appeal, the VCSA will request a case summary document from the BIT. Once the student and the BIT have timely submitted written reports to the VCSA, the VCSA will, within five (5) business days, convene the BIT Appellate Consideration Board, composed of administrative leadership in the VCSA office or an appropriate and qualified designee of the VCSA. No hearing will be provided upon appeal. The Board will rule as soon as possible, but no later than five (5) business days after convening. The decision of the BIT Appellate Consideration Board will be final.

Basis for Appeal: The BIT Appellate Consideration Board will review the student's written request for appellate consideration, the case file, and the BIT meeting notes. Should the Board need to ask clarifying questions of the student or the BIT, it may do so via the most expedient method deemed appropriate. In determining the merit of an appeal, the BIT Appellate Consideration Board will not substitute their judgment for the decision of BIT. Determination of merit will be based on the following:

- i. whether prescribed BIT procedures were followed;
- ii. whether the decision reached by the University hearing body was arbitrary and capricious (that is, the decision was not based on substantial evidence);
- iii. whether new evidence exists sufficient to alter the original decision that was not considered at the original hearing and was not known by BIT at the time of the hearing.

If a decision is made by BIT to involuntarily withdraw a student from the University, the members of BIT shall immediately prepare a list of offices to be notified of the decision. The list

shall include the offices of the Provost, the Registrar, the Dean of the School or College in which the student is enrolled, and UPD. Other offices may need to be notified as well, such as Student Housing and Financial Aid. Furthermore, BIT may notify any person or office, both on campus or off campus, of its decision if BIT determines such notification is necessary to protect the health and/or safety of either the student or third parties.

Students who are involuntarily withdrawn from the University will be allowed to petition BIT for readmission during a subsequent term. Students who have been involuntarily withdrawn will be required to present clear and convincing evidence that they no longer pose a danger to others and/or a disruption to the university community. BIT may impose reasonable conditions upon students who are readmitted after being involuntarily withdrawn. Failure to comply with conditions may result in the student being withdrawn from the University immediately.

Students denied readmission by BIT may follow the appeal process outlined above.