

MANDATORY ASSESSMENT AND INVOLUNTARY WITHDRAWAL POLICY

I. PURPOSE

Michigan State University has established a Mandatory Assessment and Involuntary Withdrawal Policy for the purpose of maintaining a campus environment conducive to student learning, academic achievement, individual responsibility, and respect for the rights and privileges of all members of the University community.

This Policy codifies the University's long-standing practice of utilizing a non-disciplinary process to address the rare and unusual situation when a student's mental or physical health poses a direct threat to the health and safety of himself/herself or others.

II. COVERED BEHAVIOR

The University, through its Vice President for Student Affairs and Services or designee (hereinafter, the "Vice President"), may require a student to complete a mandatory assessment pursuant to the process outlined in this Policy if the Vice President has been presented with a credible report that the student, for reasons pertaining to mental or physical health, poses a direct threat to the health and safety of himself/herself or others¹.

This Policy is not intended to address public health emergencies. Students are subject to the Public Health Code, as well as other State laws and University policies, in a public health emergency.

III. PROCEDURES

In the event that the conditions set forth in Section II of this Policy are met, the Vice President may initiate the following procedures:²

A. Mandatory Assessment

The Vice President will require the student to undergo an assessment with a health professional designated by the University within a specified period of time. The purpose of the assessment is to ascertain whether the student poses an immediate and direct threat to the health and safety of himself/herself or others. At this assessment, the student may be asked to sign a release of information to allow the health professional conducting the assessment to communicate with the student's treating physician or mental health professional (if applicable) to allow for a comprehensive evaluation of whether the

¹ A "direct threat" exists when a student engages, or threatens to engage, in behavior that poses a significant risk to the health or safety of the student or others. A "significant risk" exists when there is a high probability of substantial harm and not just a slightly increased, speculative, or remote risk.

² Nothing in this Policy precludes the Vice President from temporarily suspending a student pursuant to the *Academic Freedom Report for Students* if the circumstances warrant such a suspension.

student poses such a direct threat. The student's parents/guardians may also be notified of the decision to require a mandatory assessment.

B. Emergency Interim Suspension

The Vice President may temporarily suspend a student from the University and/or restrict the student's access to the University's campus, housing, services, or activities when the conditions set forth in Section II have been met and (1) a mandatory assessment is pending or (2) the student has failed to complete the mandatory assessment within the allotted time. This emergency interim suspension will remain in effect until there is a final determination of the matter by the Involuntary Medical Withdrawal Hearing Board.

Prior to imposing an emergency interim suspension, the Vice President shall make reasonable efforts to provide the student with written notice of the proposed action and an opportunity to meet with the Vice President. The Vice President's decision to implement an emergency interim suspension will be communicated in writing to the student, the dean of the student's primary academic unit (if applicable), and administrators of other University units (e.g., Campus Living Services) as appropriate. The student's parents/guardians may also be notified of the decision to implement an emergency interim suspension.

If an emergency interim suspension is imposed, the Vice President shall promptly refer the case to the Involuntary Medical Withdrawal Hearing Board ("Hearing Board") to decide whether to withdraw the student from the University or grant reinstatement.

C. Involuntary Medical Withdrawal Hearing

The Vice President may refer a student for a hearing before the Involuntary Medical Withdrawal Hearing Board pursuant to Section III.B. of this Policy or if the professional who conducts the mandatory assessment concludes that a significant risk exists that the student will cause harm to himself/herself or to others.

1. Hearing Board Composition

The Members of the Hearing Board are made up of the Dean of the Graduate School or the Dean of Undergraduate Studies (depending on the graduate or undergraduate status of the student), the Director of the Counseling Center, a University psychiatrist, and the Associate Vice President for Student Affairs and Director of Student Life ("Associate Vice President") (or their designees). The Associate Vice President will serve as the Chair of the Hearing Board.^{3,4}

³ The Hearing Board may seek advice from other University offices where appropriate (e.g., MSU Police Department, Office of the General Counsel, Department of Residence Life, or the Resource Center for Persons with Disabilities).

⁴ The Vice President may appoint a substitute for any of the hearing panel members if, in the Vice President's judgment, the hearing panel member has a conflict of interest that would adversely affect that member's ability to render a fair and impartial decision.

2. Hearing Process

The Chair of the Hearing Board shall convene the Hearing Board to determine whether the student should be required to withdraw from the University. The role of the Hearing Board is to provide an individualized and objective evaluation of the student's ability to safely participate in the University's programs or activities based on the most relevant current medical knowledge and best available objective evidence. The Hearing Board will assess the nature, duration, and severity of the risk posed by the student; the probability that the potentially dangerous behavior will actually occur; and whether any reasonable exception to applicable policies, practices, or procedures would sufficiently mitigate the risk.⁵ In conducting its assessment, the Hearing Board will review the student's medical and behavioral history and determine whether the behavior is persistent and/or high acuity.

Upon receiving a referral from the Vice President, the Chair of the Hearing Board shall provide the student with written notice of the date of the scheduled hearing and a copy of the Hearing Board procedures. At the hearing, the student will be permitted to present the results of any medical evaluations and any other information or witnesses relevant to the direct threat finding.

3. Findings

Following the hearing, the Hearing Board will issue a written decision regarding whether the student should be withdrawn from the University, the reasons for its decision, and any requirements the student must meet prior to applying for readmission if the student is withdrawn. A copy of this decision will be provided to the student and the Vice President.

If the Hearing Board finds that the conditions set forth in Section II of this Policy have been met, the student will be involuntarily withdrawn from the University. The Vice President will notify the student in writing of the effective date of the withdrawal,⁶ the specific requirements the student must meet to apply for readmission to the University, and the student's right to appeal the decision to the Provost. A copy of this notice will

⁵ If the student cannot be present at the hearing due to circumstances beyond the student's control, the Chair of the Hearing Board may either reschedule the hearing or conduct the hearing in the student's absence. If the student chooses not to be present, the Chair of the Hearing Board shall conduct the hearing in the absence of the student.

⁶ The Hearing Board may designate an effective date of the withdrawal that reflects the point in the term when the conditions set forth in Article II of this Policy were met, or the Hearing Board may use the hearing date as the effective date of withdrawal.

be sent to the Dean of the student's academic unit (if applicable) and the University Registrar. The Vice President may also give written notice of the withdrawal to the student's parent(s) or guardian(s).

If the Hearing Board finds that the conditions set forth in Section II of this Policy have not been met because it has identified reasonable accommodations or mitigating measures which will allow the student to safely remain in some or all activities or programs of the University, the Hearing Board will identify such accommodations, mitigating measures, activities, and programs in its decision. The Vice President may require that the student comply with requirements or measures identified by the Hearing Board. If the student fails to comply with any such requirements or measures, the student may be placed on an emergency interim suspension and the Hearing Board will be reconvened to reconsider its decision.

If the Hearing Board determines that the standards for withdrawal have not been met, the Office of Student Affairs and Services shall assist a student who has been placed on an interim suspension to resume his/her studies immediately and to provide assistance regarding any coursework the student missed while on suspension.

4. Appeal

Within seven calendar days from the date of the Hearing Board's decision, a student may file a written appeal with the Provost. The Provost will review the student's written appeal and notify the student of his/her decision in a timely manner. The Provost's decision is final.

5. Readmission

A student seeking readmission to the University after an involuntary withdrawal must be able to demonstrate that (1) he/she can participate in the University's programs without posing a danger to himself/herself or others, (2) he/she meets all relevant academic requirements for his/her readmission, (3) he/she has met any requirements placed on readmission by the Hearing Board, and (4) any holds placed on readmission have been lifted.

A student seeking readmission must submit the following documents to the Vice President:

- A written request⁷ for readmission, consistent with requirements established by the Hearing Board;
- A completed Readmission Questionnaire⁸ for the Hearing Board from his/her attending physician or licensed mental health professional. The Hearing Board

⁷ Written requests must be received by the Hearing Board at least 30 days prior to the semester in which the student wishes to return.

may also require the student to undergo an evaluation by a medical professional designated by the Hearing Board prior to readmission. The student will be responsible for the cost of this evaluation.

- A signed release authorizing review of his/her medical records, including the Readmission Questionnaire, by the Hearing Board, University officials, and medical professionals designated by the University.

Once the Hearing Board has received the student's signed release, medical records, and any other materials the student was required to supply as a condition of readmission, the Hearing Board will convene to review the student's request for readmission. The Hearing Board will determine whether it will request that the student meet with it. The Chair of the Hearing Board will notify the student in writing of the Hearing Board's decision in a timely manner. The student may appeal this decision to the Provost by submitting a written appeal to the Provost within seven (7) calendar days of the Hearing Board's decision.

If the student refuses to undergo a medical evaluation, provide authorization to review his/her medical records, or submit any other required information, the Hearing Board may deny the student's request for readmission.

6. Other Action

Actions taken under this Policy do not affect the student's obligation to comply with other University policies or the sanctions to which the student may be subject for violation of any such policies.

7. Advice

At any time during the process described in this Section III, the student may contact the Office of the Ombudsman for advice.

⁸ The student may obtain a Readmission Questionnaire from the Office of the Vice President.