



## Frederick Community College Procedure

Section 5.00 Student Procedures	Procedure Number	5.11c
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Administrative Withdrawal and Evaluation	Policy Number	5.11
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### A. Administrative Withdrawal

1. This Procedure is intended to address those circumstances in which a student is unable or unwilling to request a voluntary withdrawal from the College and a withdrawal is determined to be necessary to protect the health, safety, or property of others or the integrity of the learning environment. This could include, but not be limited to, situations such as, threats of bodily harm to, or damage to the property of, another person, and disruption to the normal operations and activities of the College, its students, faculty, or staff.
2. This Procedure is not intended to take the place of disciplinary actions that are in response to violations of the Code of Student Conduct, nor does it preclude the suspension or dismissal of students from the College as a result of such violations.
3. Before an administrative withdrawal is considered, the student will be encouraged to take a voluntary withdrawal from the College. In the event that a student does not take such a voluntary withdrawal within 24 hours of notification that the College recommends that he/she does so, the steps described in this Procedure will be implemented.
4. Administrative Withdrawal (Application to students with disabilities)
  - a. An Administrative Withdrawal will be implemented with respect to a student with a disability only to the extent that the College has determined that the individual poses a direct threat to the health or safety of others, following an individual 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 potential injury will actually occur; and whether reasonable modifications of the College’s policies, practices, or procedures will mitigate the risk.
  - b. A direct threat is defined as a high probability of substantial harm to the health and safety of others.
  - c. In making the assessment, the College will confer with individuals who have in-depth knowledge of, and experience in, the area of the student’s disability.

- d. The College will not require a student to provide a comprehensive mental health evaluation and/or similar documentation, except: (i) in the course of conducting an individualized assessment of whether that student poses a direct threat to the health and safety of others, when it has a reasonable basis to believe that the student may pose such a threat; or (ii) as otherwise reasonably necessary for the College to comply with obligation under Section 504 of the Rehabilitation Act of 1973 and its amendments.
- e. Pending the outcome of a formal assessment, the College may set interim conditions on the student, provided the student is afforded minimal due process (i.e., notice of the imposed action, the opportunity to present information on his or her behalf, and a right to appeal).
- f. If the College makes a final determination that a student poses a direct threat to the safety of others, it will give the student the opportunity and/or forum to address these charges and present evidence supporting a contrary finding.
- g. Following a determination that a student poses a direct threat to the safety of others, the College must communicate to the student the exact circumstances, including timetables if applicable, that would cause the student to no longer be considered a direct threat, reaffirm such student's qualified status as an individual with a disability and allow the student to return to the College's program.
- h. Once the College determines that a student no longer poses a direct threat to the safety of others, the College will no longer exclude the student, or place special conditions on the student's participation in its program, and as such, provide the proper written notice to the student of this determination, effectively readmitting the student and restoring all his/her attendant privileges, benefits and services, as a student in the College's academic program in the status of, and at the academic level attained by the student prior to the determination that he/she was a direct threat.
- i. If the College determines that, as a result of its final determination the student does pose a direct threat to the safety of others following the student's opportunity and/or forum to address the charges and present evidence supporting a contrary finding, the College may condition the student's future receipt of a benefit or service upon the student's provision of documentation showing the student is no longer a threat. Such evidence may include, but not be limited to a treatment plan or periodic reports from a physician. The College will not; however, condition the provision of a benefit or service upon showing by a student that he/she has eliminated behaviors that are a manifestation of a disability, unless such behavior significantly contributed to the direct threat.

5. Where the College has a reasonable basis for believing that a student poses such a direct threat, it will make an individualized assessment of the direct threat posed by the student, based on a 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 the College's policies, practices, or procedures will mitigate the risk. In making the assessment, the College will confer with individuals who have in-depth knowledge of, and experience in, the area of the student's behavior, if applicable. Pending the outcome of the formal assessment, the College may set interim conditions for the student, provided the student is afforded notice of the proposed action, the opportunity to present information on his or her behalf, and a right to appeal.

B. Determinations with Respect to Administrative Withdrawals; Related Procedures

1. Administrative Withdrawal

The Associate Vice President of Student Development/Dean of Students or his/her designee may recommend to the Vice President for Learning Support or his/her designee an administrative withdrawal from the College of any student whose behavior poses a risk of harm to the health, safety, or property of others or causes, or threatens to cause, a disruption to the normal operations and activities of the College, its students, faculty, or staff. When making a recommendation about an administrative withdrawal, the Associate Vice President of Student Development/Dean of Students or his/her designee will take into consideration the nature and severity of the harm or potential harm, the imminence of the potential harm, the likelihood that the potential harm will occur, the duration of the risk, the ability to mitigate the risk, and the impact of the behavior in question on others in the campus community. The Associate Vice President/Dean of Students may consult with other College administrators as appropriate, including the Executive Director of Counseling and Advising, the Director of Services for Students with Disabilities, the Executive Director of Risk Management and Public Services and any other staff determined to have a "need to know". Dependent upon the situation, the Associate Vice President of Student Development/Dean of Students may consult with the College's Behavior Evaluation Response Team (BERT), as is necessary.

- a. The Associate Vice President of Student Development/Dean of Students or his/her designee will notify the student in writing and by telephone and/or e-mail that an administrative withdrawal is under consideration.
- b. The Associate Vice President of Student Development/Dean of Students or his/her designee will discuss the administrative withdrawal procedures with the student and provide the student with a copy of this Procedure. Whenever possible and appropriate, the Associate Vice President will encourage the student to take a voluntary withdrawal from the College.
- c. The College may require a student to provide a comprehensive mental health evaluation (i) when, in the course of conducting an individualized assessment of whether that student poses a direct threat to the health and safety of others, it

has a reasonable basis to believe that the student may pose such a threat; or (ii) as otherwise reasonably necessary for the College to comply with its policies and procedures. If the student fails to initiate such evaluation or refuses to undergo such an evaluation within 48 hours of notification by the Associate Vice President of Student Development/Dean of Students or his/her designee that an evaluation is required, The College may automatically withdraw the student from the College.

- d. Following consultation with appropriate campus administrators, the Associate Vice President of Student Development/Dean of Students will make a recommendation to the Vice President for Learning Support or his/her designee regarding an administrative withdrawal.
- e. Following a determination that a student poses a direct threat to the safety of others, the College must communicate to the student the exact circumstances, including time tables if applicable, that would cause the student to no longer be considered a direct threat, reaffirm such student's qualified status as a student and allow the student to return to the College's program. If the decision is to institute an administrative withdrawal, it will be instituted immediately, and the Associate Vice President of Student Development/Dean of Students or his/her designee will inform the student in writing of the decision, as well as the specific requirements for reenrollment.
  - (1) The specific length of time that the student is to be withdrawn from the College will be determined on a case-by-case basis.
  - (2) The Vice President for Learning Support or his/her designee reserves the right to notify the affected student's parent, guardian, or other appropriate person of the administrative withdrawal, if notification is deemed appropriate.
  - (3) The student's transcript will reflect a grade of "W" for each course in which the student was enrolled that semester, regardless of whether the withdrawal occurred within the College's specified withdrawal period.
  - (4) The Registrar will be notified by the Vice President of Learning Support or his/her designee that the student's record should have a service indicator preventing reenrollment without authorization from the Vice President for Learning Support.
  - (5) Instituting an administrative withdrawal will not relieve the student of any and all financial responsibilities associated with his/her attendance at the College that semester.

(6) Following institution of the administrative withdrawal, the student will not be permitted on the College's campus or to attend any off-campus College activity, unless and until the student subsequently is permitted to reenroll at the College.

f. If the decision is not to institute an administrative withdrawal, the Associate Vice President of Student Development/Dean of Students in consultation with the Vice President for Learning Support or his/her designee may impose other conditions and/or requirements under which the student is allowed to remain enrolled at the College. The student will be notified in writing of the decision and any conditions and/or requirements to remain enrolled.

## 2. Interim Removal of a Student from Classes and/or Campus

As initially referred to in Section A.5. above, during the period of time that the Associate Vice President of Student Development/Dean of Students or his/her designee is seeking to make a determination about an administrative withdrawal, the student in question may be suspended from classes and/or campus as an interim measure pending the Associate Vice President's or designee's determination. Specifically, if, in the opinion of the Vice President for Learning Support or his/her designee, and with the concurrence of the President or his/her designee, the presence on campus of the student in question (a) is considered to be an immediate danger to the health, safety, or property of any member of the College community or the public and/or (b) may result in serious disruption to normal College operations, then, the student may be suspended from classes and/or campus as an interim measure pending the results of the determination by the Vice President for Learning Support or his/her designee about an administrative withdrawal.

## 3. Right to Appeal Administrative Withdrawal

a. A student for whom an administrative withdrawal has been instituted may appeal the decision. The student must submit a written request to the Vice President for Learning Support within seven calendar days from the date of receipt of the written notification of the administrative withdrawal. Failure to file a request within the specified time presumes the student's acceptance of the administrative withdrawal and constitutes a waiver of his/her right to further appeal. The appeal will not stay the administrative withdrawal.

b. Upon receipt of the student's request for an appeal of the administrative withdrawal, the Vice President of Learning Support will notify the student, in writing, of the date, time, and location of the appeal hearing. The hearing will be scheduled no more than fifteen calendar days after receipt of the written request for an appeal.

c. Prior to the hearing, the student will be:

(1) Provided with a written statement of the reasons for the administrative withdrawal.

(2) Allowed to examine, in advance, any written evidence or exhibits which

the College plans to submit; reciprocally, the student will allow the College to examine, in advance, any written evidence or exhibits the student plans to submit.

- (3) Advised of the right to argue in his/her behalf and present evidence.
  - (4) Advised of the right to appear alone or with an advisor who may advise the student but not otherwise participate in the hearing; legal counsel is not permitted during the appeal process.
- d. Decision of the Vice President for Learning Support in consultation with the College President is final.
  - e. Standard of Evidence. The standard of proof in a case arising under this Procedure shall be the “preponderance of the evidence.” A “preponderance of the evidence” shall mean evidence which is of greater weight or more convincing than evidence to the contrary; evidence which shows that something more likely than not is true.

#### 4. Request for Reenrollment

Students who have been administratively withdrawn must submit a formal request for reenrollment to the Vice President for Learning Support. Students must present evidence that they have satisfied all conditions of reenrollment that were established at the time the administrative withdrawal was instituted. The Vice President for Learning Support or his/her designee must approve the reenrollment.

- a. Once the College determines that a student no longer poses a direct threat to the safety of others, the College will no longer exclude the student, or place special conditions on the student’s participation in its program. As such, the College will provide the proper written notice to the student of this determination, effectively readmitting the student and restoring all his/her attendant privileges, benefits and services, as a student in the College’s academic program in the status of, and at the academic level attained by the student prior to the determination that he/she was a direct threat. A student will be notified in writing of the decision regarding his/her request for reenrollment.
- b. If the College determines that a student continues to pose a direct threat to others, the College may condition the student’s future receipt of a benefit or service upon the student’s provision of documentation showing that the student is no longer a threat. Such evidence may include, but not be limited to a treatment plan or periodic reports from a physician. The College will not, however, condition the provision of a benefit or service upon a showing by a student that he has eliminated behaviors that are a manifestation of a disability, unless such behavior significantly contributed to the direct threat.

5. Right to Appeal Reenrollment Decision

- a. A student whose application for reenrollment has been rejected may appeal the decision. The appeal must be submitted in writing to the President's Office within seven calendar days following receipt of the Vice President's decision. Failure to file a written appeal within the time period presumes the student's acceptance of the Vice President's decision and waives his/her right to further appeal.
- b. If a student files a written appeal with the President, a furnished copy of any hearing files and records of the student will be provided to the President.
- c. Within seven calendar days of receipt of the student's appeal, the President will notify the student of the date, time, and place of a meeting for the appeal.
- d. Within seven calendar days following the meeting between the student and the President, the student will be notified in writing of the President's decision regarding the appeal. The decision of the President is final.

C. Medical and/or mental Health Procedure

1. In connection with his/her making a determination about an administrative withdrawal the Associate Vice President of Student Development/Dean of Students or his/her designee may require a student to participate in a medical and/or comprehensive mental health evaluation to assess:
  - a. Whether the student's behavior poses a risk of harm to the health, safety, or property of others or causes, or threatens to cause, a disruption to the normal operations and activities of the College, its students, faculty, or staff and if so, the nature, duration and severity of the risk.
  - b. Whether the risk of harm to the health, safety, or property of others or disruption, or threatened disruption to the normal operations and activities of the College, its students, faculty, or staff would likely continue, if the student were to remain enrolled at the College.
  - c. Whether reasonable modifications of policies or procedures would mitigate the risk.
  - d. Whether the student requires assistance or referral to appropriate support or treatment services.
2. The Associate Vice President of Student Development/Dean of Students or his/her designee shall inform the student of this mandated referral for evaluation in writing and provide a copy of this Procedure.
3. At the discretion of the Vice President for Learning Support or his/her designee, any pending disciplinary or administrative action may be stayed until the evaluation is completed.

4. The evaluation must be completed within 10 calendar days from the date that the student is notified of the requirement to participate in an evaluation, unless an extension is granted by the Associate Vice President of Student Development/Dean of Students or his/her designee. The student shall sign a release authorizing the results of the evaluation to be provided to the College representatives who are involved in the decision making process, as identified by the Associate Vice President of Student Development/Dean of Students or his/her designee.
5. Should the evaluation result in a determination that there is no risk of harm to the health, safety, or property of others or of disruption, or threatened disruption to the normal operations and activities of the College, its students, faculty, or staff, the Associate Vice President of Student Development/Dean of Students and/or his designee may take that into consideration in making a determination with respect to the student about an administrative withdrawal.
6. Should the evaluation result in a determination that there is risk of harm to the health, safety, or property of others or of disruption, or threatened disruption to the normal operations and activities of the College, its students, faculty, or staff, that the behavior is likely to continue, and that reasonable modifications of policies or procedures are not likely to mitigate the risk, it shall be conclusive to the Associate Vice President of Student Development/Dean of Students or his/her designee that an administrative withdrawal may be instituted.
7. If the student refuses or fails to participate in the mandatory evaluation process, the College may automatically withdraw the student from the College.
8. If a student withdraws from the College, or leaves the College prior to participating in a mandatory medical and/or comprehensive mental health evaluation, which shall be sufficient grounds for the College automatically to withdraw the student from the College, he/she will be prohibited from reenrolling or returning until the Vice President for Learning Support or his/her designee has received and evaluated documents from a qualified professional which expressly states that the student no longer poses a risk of harm to the health, safety, or property of others, or of disruption, or threatened disruption to the normal operations and activities of the College, its students, faculty, or staff.