



Policy SA021: Involuntary Medical Withdrawal Policy

Recommended for Approval by:

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Approved by:

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A. Intent

This policy applies to students when the student's behavior poses a significant risk to the student's health or safety or the health or safety of others. It is also applicable when in the determination of university administration, the student's behavior severely disrupts the Pennsylvania Western University environment, and no reasonable accommodations can adequately reduce that risk or disruption.

B. Definitions

Advisor: An individual who may be present to support a party throughout the involuntary withdrawal process. The Advisor may be a member of the University Community, an attorney, or other individual selected by the party. The Advisor may accompany the party they are supporting to any hearing or meeting that the party is required to attend. Each party is responsible for coordinating and scheduling with their choice of Advisor.

The Advisor may communicate only with the party they are supporting and may not otherwise speak for, or on behalf of, the party. The Advisor may not be a party or witness in the matter.

Day: for purposes of measuring days under this Policy, days are defined and counted as business days.

Involuntary Medical Withdrawal: The separation of a student from the University and its facilities for no less than (1) semester, as required by the Vice President for Student Affairs.

Significant Risk: A high probability of substantial harm and not just a slightly increased risk, including speculative risk or remote risk.

Student Behavior Review Committee: A University committee, established to assist students who display behavior that is destructive or substantially disruptive, comprised of the following individuals and/or their designees: Vice President for Student Affairs, Campus based Associate/Assistant Vice President for Student Affairs, Dean of Students, Clinical Supervisor, Assistant Vice President for Wellness, Assistant Vice President for Housing and Residence Life, Office for Students with Disabilities, Campus Based Chief of Police.

Student: For the purpose of this Policy, a student is any person who is currently enrolled at Pennsylvania Western University.

University: For the purposes of this Policy shall be Pennsylvania Western University.

C. Policy

Pennsylvania Western University is committed to fostering student success, maintaining an environment conducive to learning, and ensuring the safety of the community. Accordingly, the University takes appropriate measures to address student behaviors that are destructive to themselves or others or result in serious disruption of the learning environment. The University also prohibits unlawful discrimination on the basis of any type of disability in the administration of its programs and activities. The University offers resources, support services, and accommodations to meet a student's physical and mental needs. However, occasionally, a student's needs may require a level of care that exceeds the care the University can adequately provide.

Ideally, a student reflects on their current situation involving the level of care they need and follows the proper policies and procedures for a withdrawal. In extraordinary circumstances, the University may require a student to involuntarily withdraw from the University when current knowledge about the student's medical condition and/or the best available objective evidence indicates that a student poses a significant risk to the health or safety of a member of the University community; where a student is unable or unwilling to carry out substantial self-care obligations and poses a significant risk to their own safety not based on mere speculation, stereotypes, or generalizations; or where a student's behavior severely disrupts the University environment; and the student does not want to take a voluntary leave. An involuntary medical withdrawal will be imposed only when the University has conducted an individualized assessment of the student. The assessment requires the use of reasonable medical judgment based on current medical information and/or the best available non-medical evidence. The focus is on the student's present ability to function safely at the University. The specific factors to consider are:

- the nature and severity of the risk
- the likelihood that potential harm will occur
- and the availability of reasonable modifications of University policies, practices and requirements that will sufficiently mitigate the risk. The determination of a significant risk shall be made in accordance with the procedures, below.

This policy represents an administrative process; it is not a disciplinary process. This policy and procedures are not intended to be punitive and do not take the place of disciplinary action under the Student Code of Conduct or other policies, nor do they preclude the discipline of students as a result of

violations of the Code of Conduct or other policies. This policy delineates the procedures for the imposition of an involuntary medical withdrawal.

The Vice President for Student Affairs may receive information related to a potential need for an Involuntary Medical Withdrawal in a number of ways. Reports of concern may come from Law Enforcement, Wellness Services, the Dean of Students Office, Academic Affairs, Athletics, or other internal constituents. Outside agencies and/or family and friends of a student, etc. may also alert the University to concerns requiring a review.

D. Emergency Separation on Interim Basis

- i. If the Vice President for Student Affairs or designee, in consultation with appropriate individual members of the Student Behavior Review Committee, believes that the student poses a significant risk of imminent harm to other members of the University community, the University may require an emergency separation from the campus on an interim basis before making a final decision on the involuntary medical withdrawal.
- ii. The Vice President for Student Affairs or a designee must notify the student and/or his parent(s) or guardian of the emergency interim separation.
- iii. The student will be allowed to appear before the Vice President for Student Affairs or designee within two (2) University business days to discuss the reasons for the emergency interim separation. This meeting may be held in person or virtually as determined by the University.
- iv. At the end of this meeting, the Vice President for Student Affairs or designee may either: (i) cancel the emergency interim separation but inform the student that the involuntary medical withdrawal remains under consideration, (ii) extend the interim separation pending a final decision on the involuntary medical withdrawal. Notification of the outcome of the meeting will be sent electronically to the students' PennWest email.

E. Procedure for Involuntary Medical Withdrawal

- i. *Consultation*
 - a. When the Vice President for Student Affairs or a designee is concerned that a student may pose a significant risk to themselves or others, they will consult, as feasible, with appropriate individual members of the Student Behavior Review Committee regarding the possible need for a withdrawal.
 - b. The Vice President for Student Affairs or designee will consider potential accommodations that could prevent the need for an involuntary leave of absence, such as the option to take a voluntary leave of absence or other accommodations based on disability in consultation with the Office for Students with Disabilities (OSD) as applicable.

- c. If the Vice President for Student Affairs or a designee deems it appropriate, they may also consult with the student's parent(s) or guardian or another individual who is supportive of the student.
- d. Based on these consultations, the Vice President for Student Affairs or designee makes a preliminary determination of whether the student may pose a direct significant risk to themselves or others. If it is determined that the student does not pose a significant risk to themselves or others or that alternative measures or accommodations are likely to sufficiently mitigate the behavior or concern, the student's case may be referred to other institutional resources.
- e. If it is determined that the student may pose a significant risk to themselves or others and that a withdrawal is the only way to protect the health and safety of themselves or others, the Vice President for Student Affairs or a designee shall invoke the procedures in Section D.ii.

ii. Involuntary Medical Withdrawal Procedure

- a. Once the Vice President for Student Affairs determines an involuntary medical withdrawal may be necessary, the Student will be notified that an involuntary medical withdrawal is under consideration. The written notice will include the reason(s) why the student is being considered for an involuntary leave, contact information for OSD, which can provide information about accommodations, and copy of this policy. In addition, the notice will contain information about how the student can request an Advisor, should the student wish to have one appointed by the University.
- b. The student will have an opportunity to respond prior to a determination and will be provided a specified time period to respond prior to a determination being made. In order to request an opportunity to provide a written response to the notification, the student may contact the Vice President or designee within two (2) business days of the notification that an involuntary medical withdrawal is under review to provide a written response for consideration.
- c. A student may be asked to provide consent for information allowing the students' medical history be provided to the University to assist in decision making. A student may opt not to participate in providing information. An assessment may continue without requested information, or information provided later than requested. Information known at the time will be used for decision-making.
 - The Student Behavior Review Committee will give significant weight to the opinion of the student's treatment provider(s), including those identified by the student, regarding the student's ability to function academically and safely at the University with or without reasonable accommodations.

- If the Vice President for Student Affairs or designee determines that the information provided by the treatment provider(s) is incomplete, requires further explanation or clarification, or is inconsistent with other information in the student's record, Members of the Student Behavior Review Committee, with proper authorization, will contact the treatment provider(s) to obtain additional information.
 - In certain circumstances, the University may require the student to undergo an additional evaluation by an independent and objective professional, if it believes it will facilitate a more informed decision. The University can assist finding providers through referral to services.
- d. The Student Behavior Review Committee will also confer, as feasible and when appropriate in a particular matter, with individuals regarding the need for an involuntary leave of absence. Although each case will vary, conferring individuals could include:
- Housing and Residence Life Services
 - Faculty member(s)/Academic Advisor
 - Academic Affairs
 - With appropriate authorization, Wellness Services
 - With appropriate authorization, the student's treatment provider(s) or other health care professionals
 - The Behavioral Intervention Team
 - Any Faculty or Staff with first-hand observations of relevant behavior
 - Such other individuals as may be appropriate in an individual matter
 - OSD
- e. Following these consultations, including that of the Student Behavior Review Committee, and based on a review of the relevant documentation and information available, the Vice President for Student Affairs or designee will make a decision as to whether the student should be placed on an involuntary leave of absence, and will provide written notice of this decision to the student.
- f. If involuntary leave is imposed, the written notice of decision to the student will set forth the basis for the decision; a time-frame for when the student must leave the University; when the student may be eligible to return to the University; and the conditions and/or requirements the student will need to satisfy to be eligible for return. The written notice will also inform the student of their right to reasonable accommodations in the return process and will provide contact information for OSD.
- The Vice President for Student Affairs or a designee reserves the right to notify a parent or guardian of the decision if notification is deemed appropriate and may ask the parent(s), guardian or other person to make or assist with arrangements for the safe removal of the student from the University.

- The involuntary medical withdrawal will remain in effect for at least one (1) regular academic term and until the student completes the requirements set forth in the decision letter. The length of the leave will be determined on an individual basis.
 - Throughout the duration of the withdrawal, the student may visit the campus only as authorized in writing by the Vice President for Student Affairs or a designee for business purposes.
 - The notation “withdrawal” will appear on the student’s transcript.
 - Determinations of whether any refund of tuition and/or housing costs is available to the student will be made in accordance with PennWest Refund Policies.
 - Where students have been placed on an interim suspension, every effort will be made by the Vice President for Student Affairs or designee to reach a decision within one week, provided the student responds in a timely manner to requests for information and, if appropriate, evaluation.
- g. If an involuntary withdrawal is not imposed, the Vice President for Student Affairs or a designee, in consultation with members of the Student Behavior Review Committee, may establish conditions and/or requirements under which the student is permitted to remain at the University.
- h. Students should contact Financial Aid to discuss impact to their aid.

Readmission

A student who has been involuntarily withdrawn may not apply for readmission until after at least the passage of one (1) regular semester. The student may apply for a requested readmission by completing the form for readmission found on the Dean of Students page. The student’s application or request for readmission must be approved by the Vice President for Student Affairs or designee. Approval may be granted only if the Vice President for Student Affairs or designee, in consultation with the Student Behavior Review Committee determine that the student no longer poses a significant risk to the safety of themselves or others, and/or do not pose a substantial disruption to University operations. The Vice President for Student Affairs or designee may require documentation or a physical and/or mental health evaluation before issuing a decision. The student must also meet the admission or enrollment requirements of the University and specific academic program in which he/she seeks to enroll. The student is not entitled to a hearing on the readmission decision of the Vice President for Student Affairs or designee.

Records and Fees

All records concerning these proceedings shall be maintained by the Vice President for Student Affairs and shall be kept confidential in accordance with the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and its implementing regulations, 34 CFR, Part 99.

E. Related policies

AC035: University Withdrawal

AC053: Confidentiality of Student Records

DE002: Non-Discrimination Policy

FA012: Refund Policy

FA034: Meetings and Other Events with Students

SA003: Student Code of Conduct

SE006: Return of Title IV Funds

SE019: Satisfactory Academic Progress Policy for Federal Student Aid

F. Contact Information

Dean of Students- California Campus: 724-938-5379

Dean of Students- Clarion Campus: 814-393-1918 or 814-393-1982

Dean of Students- Edinboro Campus: 814-393-1918

G. Policy Review Schedule

Bi-annual policy review