

	<b>FGCU POLICY 4.004</b>	<b>Responsible Unit:</b> Student Success and Enrollment Management
	<b>Involuntary Withdrawal</b>	

**A. POLICY STATEMENT**

Florida Gulf Coast University is committed to the safety, health, and well-being of the campus community. The University recognizes that students may experience situations that significantly limit their ability to function successfully or safely in their role as students. In rare circumstances, the University may involuntarily withdraw a student for the safety of the student and others, pursuant to this Policy. In such circumstances, students should consider a voluntary withdrawal. Students will be given the option to withdraw voluntarily before a decision is made with respect to an involuntary withdrawal.

**B. REASON FOR POLICY**

This Policy sets forth the expectations in making determinations regarding a student’s involuntary withdrawal and conditions for return in compliance with federal law.

**C. PROCEDURES**

1. Involuntary withdrawal, pursuant to this Policy, is a rare occurrence and will only occur when current medical knowledge and/or the best available objective evidence indicates to the Assistant Vice President of Campus Life and Dean of Students, or their designee, (hereinafter, Dean of Students) that there is a significant risk to the student’s health or safety or the health or safety of others, or the student’s behavior severely disrupts the University environment, and no reasonable accommodations can adequately reduce that risk or disruption.
  
2. Consistent with FGCU Regulation 1.003, Non-Discrimination, Anti-Harassment and Sexual Misconduct, and corresponding Policy, FGCU prohibits unlawful discrimination on the basis of any type of disability or any other characteristic protected by applicable law in the administration of the University’s programs or activities. FGCU offers a range of resources, support services, and accommodations to address the physical and mental health needs of students. However, on rare occasion, a student’s needs may require a level of care that exceeds the care the University can appropriately provide. Where current knowledge about the individual’s medical condition and/or the best available objective evidence indicates that the 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 voluntarily

withdraw, the Dean of Students has the authority to involuntarily withdraw a student from the University.

3. Before involuntarily withdrawing a student, the Dean of Students will conduct an individualized assessment, consulting with the Office of Adaptive Services (OAS), as applicable, to determine if there are reasonable accommodations that would permit the student to continue to participate in the University community. The Dean of Students will consider potential accommodations and/or modifications, if available, that could obviate the need for an involuntary withdrawal, such as the option to take a voluntary leave of absence, academic accommodations, housing and dining accommodations, and modifications to University policies, rules, and regulations. Examples of academic, administrative, and housing accommodations that may be facilitated through the Office of Adaptive Services can be found on the OAS website link to the Student Accessibility Resource Manual.
4. The Dean of Students may be notified about a student who may meet the criteria necessitating an involuntary withdrawal from a variety of sources including, but not limited to: the student, the student's academic advisor, Housing and Residence Life staff, an academic department, faculty or staff member, or a member of the University's Threat Assessment Team. If the Dean of Students deems it appropriate, these procedures will be initiated.
5. The Dean of Students will issue a notice to the student in writing that an involuntary withdrawal is under consideration. The written notice will include the reason(s) why the student is being considered for an involuntary withdrawal, contact information for OAS, which can provide information about accommodations, and a copy of this Policy. In addition, the notice will provide contact information for the Assistant Dean for Student Care Services, an administrator outside of the decision-making process, for assistance through this process. In the written notice, the student will be encouraged to respond before a decision regarding an involuntary leave is made and will be given a specified time period within which to do so.
6. The student may be asked to execute a consent to release confidential information providing FGCU personnel temporary authority to get information from the student's healthcare provider(s) regarding issues relevant and appropriate to the consideration of an involuntary withdrawal when there is a need for the University to have access to that information as part of the interactive process and individualized assessment. If a student refuses to execute a consent for confidential information or to respond within the timeframe set by the Dean of Students, depending on the particulars of the student's situation, the Dean of Students may proceed with the assessment based on information in the Dean's possession at the time.
7. The Dean of Students will also confer, as feasible and when appropriate in a particular matter, with individuals regarding the need for an involuntary withdrawal. Although each case will vary, conferring individuals could include:

- a. Housing and Residence Life staff, or Graduate Studies staff;
  - b. Faculty members;
  - c. Academic advisors;
  - d. With appropriate authorization, representatives from Student Health Services;
  - e. With appropriate authorization, the student's treatment provider(s) or other health care professionals;
  - f. Member(s) of the University's Threat Assessment Management Team; and/or
  - g. Such other individuals as may be appropriate in an individual matter, including a representative from the OAS with expertise in mental health disabilities.
8. Particular attention will be paid to the criteria for imposing an involuntary leave, specifically:
- a. Whether current knowledge about the individual'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;
  - b. Whether 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; and/or
  - c. Whether a student's behavior severely disrupts the University environment.
9. The individualized assessment as to each factor, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, should ascertain:
- a. the nature, duration, and severity of the risk or disruption;
  - b. the probability that the risk or disruption will actually occur; and
  - c. whether reasonable modifications, policies, practices, or procedures will adequately mitigate the risk or disruption so as to eliminate the need for an involuntary withdrawal.
10. The Dean of Students 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 Dean of Students 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, the Dean of Students, 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 designated by FGCU, if the Dean of Students believes it will facilitate a more informed decision.

11. Following these consultations and based on a review of the relevant documentation and information available, the Dean of Students will make a decision as to whether the student should be involuntarily withdrawn, and will provide written notice of this decision to the student. The written notice of decision will include information about the student's right to appeal and to reasonable accommodations during the appeal process. The review and notice of decision under this Policy should be done in a reasonably timely manner. Every effort will be made by the Dean of Students to reach a decision within one (1) week, depending on the complexity of the facts and circumstances, provided the student responds in a timely manner to requests for information and, if appropriate, evaluation.

a. If an involuntary withdrawal is imposed.

The written notice of decision to the student will set forth the basis for the decision and a time-frame for when the student must leave the University and when they 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 OAS and the Case Manager. The length of the leave will be determined on an individual basis.

b. If an involuntary withdrawal is not imposed.

The Dean of Students may impose conditions and/or requirements based upon the individual circumstances, under which the student is allowed to remain at the University.

12. Within seven (7) calendar days of receiving the decision of the Dean of Students, the student may submit an appeal of the decision in writing to the Associate Vice President for Student Engagement, or designee, (who is not the Dean of Students). The written request for appeal must specify the particular substantive and/or procedural basis for the appeal, and must be made on grounds other than general dissatisfaction with the decision of the Dean of Students. The review by the Associate Vice President for Student Engagement, or designee, will be limited to the following considerations:

a. Whether the proper facts and criteria brought to bear on the decision;

b. If there as any new information not previously available to the student that may

- change the outcome of the decision-making process;
- c. Whether there were any procedural irregularities that materially affected the outcome of the matter to the detriment of the appellant; and
  - d. Given the proper facts, criteria, and procedures, whether the decision was reasonable.
13. After reviewing the matter fully, the Associate Vice President for Student Engagement, or designee, will issue a written decision affirming, modifying, or reversing the decision to involuntarily withdraw the student. The Associate Vice President for Student Engagement's, or designee's, decision shall be final.
14. Implications of an Involuntary Withdrawal.

The following are potential implications of an involuntary withdrawal for a student:

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. Housing.

Consistent with FGCU's policies and procedures, students assigned to a University residence are subject to the terms of the Housing Agreement. Students who leave the University before the end of a term may be eligible to receive refunds of portions of their housing charges. Eligibility criteria may be found in the Housing Agreement on the Housing and Residence Life website.

c. Effective date(s) 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 an involuntary withdrawal leave and all the conditions mandated by the Dean of Students and/or the Associate Vice President for Student Engagement.

d. Notification.

At any time during the leave process, the Dean of Students may notify a student's parent, guardian, emergency contact, or other individual, consistent with the law, if notification is deemed appropriate.

- e. Association with the University while on leave.

Unless expressly permitted by the Dean of Students in writing, students on leave from the University due to an involuntary withdrawal are not permitted to be present at the University and are not permitted to engage in any University-related activities, including on-campus employment.

- f. Coursework taken while on leave.

Consistent with FGCU's policies and procedures, academic credit for work done elsewhere may be allowed towards a FGCU degree. Students should consult with the Office of Records and Registration and their department or academic advisor prior to taking any coursework while on leave following an involuntary withdrawal.

- g. Eagle ID privileges.

Unless expressly prohibited by the Dean of Students in writing, students on leave due to an involuntary withdrawal generally may retain their Eagle ID privileges, including their FGCU Eagle email account for up to three (3) semesters after being involuntarily withdrawn.

- h. Transcript notation.

Students involuntarily withdrawal will have a notation on their transcript of "AN."

- i. Tuition and fees.

Consistent with FGCU's policies and procedures, students who leave the University before the end of a term may be eligible to receive refunds of portions of their tuition. Students should refer to the Office of the Bursar webpage.

- j. Visa Status.

International students (F-1 and J-1 Visa holders) involuntarily withdrawn must speak with an advisor in the Office of Global Initiatives and International Services regarding their visa status.

## 15. Request for Reenrollment.

For general requirements applicable to all students returning to FGCU after a leave due to being involuntarily withdrawn pursuant to this Policy, undergraduate students should refer to the Office of Registration and Records webpage. Graduate students should consult with their academic department and the Office of Graduate Studies.

- a. In addition to the general requirements all students must meet when returning to

- FGCU after a leave due to involuntary withdrawal, as well as any conditions mandated by the Dean of Students and/or the Associate Vice President for Student Engagement, or designee, as below, students seeking to return after an involuntary withdrawal for reasons of personal or community health and safety may be required to submit additional documentation related to the factors set forth in section C.8 as part of an individualized assessment. OAS will work with the students to provide reasonable accommodations in the reenrollment process as necessary.
- b. A student must make a written request to the Dean of Students to return to the University. Generally, a student will not be allowed to return until one (1) full semester has elapsed or until the leave period in the involuntary withdrawal notification has elapsed, and all conditions and/or requirements are met.
  - c. The Dean of Students may require the student to provide evidence that the student, with or without reasonable accommodations, has sufficiently addressed the issues that previously established the criteria for imposing an involuntary withdrawal as set forth in section C. 8, above. The Dean of Students may also ask, confer with, or seek information from others to assist in making the determination. The information sought may include:
    - 1) Documentation of efforts by the student to address the issues that led to the leave;
    - 2) With the appropriate authorization, release of academic records to inform treating clinicians;
    - 3) With appropriate authorization, release of treatment information to the extent necessary to determine if the student has sufficiently reduced the risk or disruption that led to the need for the involuntary withdrawal;
    - 4) With appropriate authorization, consultation with Student Health Services or Counseling and Psychological Services to the extent necessary to determine if the student has sufficiently reduced the risk or disruption that led to the need for the involuntary withdrawal;
    - 5) Consultation with OAS.
  - d. All returning students must meet the essential eligibility requirements and any technical standards of the University and, if applicable, the relevant school or department, with or without reasonable accommodations. If the Dean of Students is not satisfied that the student is ready to return to the University, the student will be notified in writing of the decision, including the reason for the decision, within a reasonable time after the student has submitted a request for reenrollment and required documentation.
  - e. A student not permitted to return may appeal the decision to the Associate Vice

President for Student Engagement following the procedure in section C. 12.

16. Scope of Policy and Relationship to Other University Policies.

- a. An involuntary withdrawal is an administrative process in accordance with this Policy; it is not a disciplinary process. This Policy and these procedures are not intended to be punitive and do not take the place of disciplinary actions that are in response to violations of FGCU regulations, policies, or directives, nor do they preclude the removal or dismissal of students from the University or University-related programs as a result of violations of other University policies or school or departmental protocols. This Policy does not limit the University's ability to place enrollment holds on students for reasons beyond the scope of this Policy and nothing in this Policy relieves a student of any financial obligations to the University that were in place at the time the involuntary withdrawal was imposed.
- b. Nothing in this Policy limits the power of the University to take administrative action to ensure the safety of the FGCU community. In exceptional circumstances, where the health or well-being of any person may be seriously affected, or where physical safety is seriously threatened, or where the ability of the University to carry out its essential operations is seriously threatened or impaired, the President or the President's designee, may summarily suspend, dismiss, or bar any person from the University or University-related programs. In all such cases, actions taken will be reviewed promptly by the appropriate University authority.
- c. In situations involving an imminent or ongoing threat of harm to the student or any other members of the University community, the Dean of Students, in the exercise of their reasonable judgment, may require a student to be immediately prohibited from entering FGCU's campus or facilities utilized for University programs or activities while the individualized assessment and review described in section C.7. through C.10. are taking place. Such students will receive the written notice described in section C.5. as quickly as possible.

*Authority*

*FGCU Regulation 4.007, Involuntary Withdrawal*

*History of Policy*

*New 05/27/08; Amended 06/15/20*

**APPROVED:**

\*s/Michael V. Martin  
Michael V. Martin, President

June 15, 2020  
Date