

## **Involuntary Withdrawal for Medical Reasons**

### **Purpose**

OIT is committed to supporting all of its students in their educational pursuits. In some cases, student behavior which is a manifestation of a medical or mental health disorder may interfere with the pursuit of the university's educational mission, endanger the health or safety of university community members, or interfere with an individual's pursuit of an OIT education. In such cases, OIT officials may consider the appropriateness of intervening with the student using either 1) the disciplinary procedures in the OIT Student Conduct Code, or 2) involuntary examination, hospitalization, and treatment for a mental illness, in accordance with ORS 426.070, *et seq.*

In some instances, however, these two interventions do not provide adequate options for staff to effectively intervene with students experiencing academic, social, and/or emotional difficulties related to a medical or mental health condition. To promote the success of students experiencing such difficulties and to limit the disruption of the educational environment, the university has adopted the following standards and procedures regulating involuntary student withdrawal from OIT for medical reasons.

### **Standards for Withdrawal**

1. A student will be subject to involuntary withdrawal from OIT or from campus housing if it is determined that the student is suffering from a medical or mental disorder, and, as a result of the disorder, engages in or threatens to engage in behavior that:
  - a) poses a significant risk of causing physical harm to self or others, or
  - b) may result in significant property damage, or
  - c) directly and substantially impedes the educational processes of the university.
2. These standards do not preclude removal from OIT, or campus housing, in accordance with the Terms and Conditions of the Housing Contract, or the OIT Student Conduct Code, hereafter referred to as the Conduct Code.

### **Referral for Evaluation**

3. If the Vice President for Student Affairs\* (VPSA) reasonably believes that the student may meet the criteria set forth in point 1, the VPSA may refer a student for evaluation by a psychiatrist, licensed psychologist, licensed clinical social worker, psychiatric nurse practitioner, or other medical doctor (for non-psychiatric conditions). The specific health professional selected to conduct the evaluation must be competent to provide an effective assessment relevant to the evaluation questions at hand. In cases where the VPSA selects the evaluator, OIT will pay the cost of the evaluation. In cases where the student selects the evaluator, the student will be responsible for the costs of the assessment. Students who choose to select their own evaluator are encouraged to contact the VPSA prior to the assessment. The VPSA can provide such students with feedback regarding the potential acceptability of the evaluator.

4. Students referred for evaluation in accordance with point 3 (above) shall be so informed in writing, either by personal delivery or by certified mail, and shall be given a copy of these standards and procedures. The letter will include a reference to the student's right to appear personally before the VPSA in order to challenge the necessity of the evaluation. The evaluation must be completed within five academic days from the date of the referral letter, unless an extension is granted by the VPSA in writing.

5. Prior to any evaluation, the student being evaluated must sign a release of information form that authorizes the university to share appropriate relevant background information with the selected evaluator. Release forms are available through the office of the VPSA. The VPSA will typically then contact the evaluator to provide relevant background information.

6. Upon completion of the evaluation, the treating professional will complete a *Student Medical Leave Evaluation Form* (hereafter referred to as the Evaluation Form) (see Appendix A) provided by the VPSA, which guides the evaluation of any substantial threats the individual poses to self, others, university property, or the educational processes of the institution. The professional must also provide a recommendation concerning the necessity for medical leave for the student. This form will be submitted to the VPSA.

7. Upon review of the Evaluation Form, the VPSA will submit all relevant information to either the Director of the Counseling Service (for mental health disorders) or the Administrative Director of the Student Health Service (for other disorders). This Director will review the information along with other third-party information (e.g., from roommate, family, faculty/staff, etc.) and will provide a recommendation to the VPSA regarding the necessity for medical leave and the basis for this recommendation. The Director involved may also recommend further evaluation as appropriate.

8. Any pending disciplinary action may be withheld until the evaluation is completed, at the discretion of the VPSA.

9. A student who fails to complete the evaluation in accordance with these standards and procedures may be withdrawn on an interim basis as set forth in points 10-14 (below), referred for disciplinary action, or both.

### **Interim Withdrawal**

10. An interim withdrawal may be implemented immediately if a student fails to complete an evaluation or if the VPSA determines that a student may be suffering from a medical or mental disorder, and the student's behavior poses an imminent danger of:

- a) causing physical harm to self or others, or
- b) resulting in significant property damage, or
- c) directly and substantially impeding the educational processes of the university.

11. A student subject to an interim withdrawal shall be given written notice of the withdrawal either by personal delivery or by certified mail, and shall be given a copy of these standards and procedures. The student shall then be given an opportunity to appear personally before the VPSA, within three academic days from the effective date of the interim withdrawal, in order to

review the following issues only:

- a) the reliability of the information concerning the student's behavior;
- b) whether or not the student's behavior meets the criteria outlined in point 10, above;
- c) whether or not the student has completed an evaluation, in accordance with these standards and procedures.

**12.** A student subject to interim withdrawal may be assisted in the personal appearance by a family member, a medical or mental health professional, and/or an OIT faculty/staff member. Furthermore, a student may be accompanied by legal counsel, but the role of counsel will be limited to providing legal advice to the student. Students will be expected to speak for themselves whenever possible.

**13.** Students subject to interim withdrawal and who choose to appear personally before the VPSA to contest issues relevant to the withdrawal will remain withdrawn pending a decision by the VPSA based on the interview described in point 11. The VPSA will evaluate all relevant information obtained during the student's personal appearance, and take one of three actions within three academic days:

- a) cancel the Interim Withdrawal and the Involuntary Withdrawal process
- b) cancel the Interim Withdrawal but proceed with the Involuntary Withdrawal process;
- or
- c) maintain the Interim Withdrawal and proceed with the Involuntary Withdrawal process

In cases where the VPSA has decided to proceed with the Involuntary Withdrawal process (actions b and c, above) and the student continues to refuse to be evaluated, the student may be withdrawn indefinitely.

**14.** Students who have completed the above process may appeal an Interim Withdrawal decision to the university President.

### **Informal Hearing**

**15.** Students subject to an involuntary withdrawal shall be accorded an informal hearing before the VPSA. The following guidelines will be applicable:

- (a) Students will be informed of the time, date, and location of the informal hearing, in writing, either by personal delivery or certified mail, at least five academic days in advance.
- (b) A summary of pertinent facts, findings and recommendations prepared pursuant to point 3 of these standards and procedures will be available for inspection by the student in the VPSA's office during normal business hours. The file will normally be available at least three academic days before the informal hearing.
- (c) The informal hearing shall be conversational and non-adversarial. Formal rules of evidence will not apply. The VPSA shall exercise active control over the proceedings to avoid needless consumption of time and to achieve the orderly completion of the hearing. Any person who disrupts the hearing may be excluded.

(d) The student may be accompanied by a family member, a medical or mental health professional, an OIT faculty or staff member, or by another appropriate support person. Legal counsel may accompany the student, but the role of counsel will be limited to providing legal advice to the student. The university will be represented by the VPSA and at least one of the following: the Director of Counseling Services, the Administrative Director of the Student Health Service, the Director of Equal Opportunity and Affirmative Action, and the Director of Housing and Residence Life.

(e) Those assisting the student, except for legal counsel, will be given reasonable time to ask relevant questions of any individual appearing at the informal hearing, as well as to present relevant evidence.

(f) The informal hearing may be conducted in the absence of a student who fails to appear after proper notice.

(g) The medical or mental health professional who completed the Evaluation Form pursuant to point 6 may be asked to appear at the informal hearing, and to respond to relevant questions, upon request of any party, if the VPSA determines that such participation would assist in the resolution of issues in the case.

(h) The VPSA may ask and/or permit a university official to appear at the informal hearing and to present evidence in support of any withdrawal recommendation. Such evidence will not be presented by legal counsel for the university.

(i) The informal hearing shall be tape recorded by the VPSA. The tape(s) shall be kept with the pertinent case file for as long as the case file is maintained by the institution.

(j) A written decision shall be rendered by the VPSA within five academic days after the completion of the informal hearing. The written decision, which should be mailed or personally delivered to the student, shall contain a statement of reasons for any determination leading to Involuntary Withdrawal. The student should also be advised as to when a petition for reinstatement would be considered, along with any conditions for reinstatement.

(k) The decision of the VPSA shall be subject to appeal to the university President, whose decision will be final and conclusive.

### **Deviations from Established Procedures**

**16.** Reasonable deviations from these procedures will not invalidate a decision or proceeding, as long as those deviations do not result in significant prejudice to the student's case.

\*All authority and responsibility accorded to the Vice President for Student Affairs by this policy may be delegated by the Vice President to his/her designee.

**January, 2005**

**APPENDIX A:  
OIT Student Medical Leave Evaluation Form**

\_\_\_\_\_ is a student at Oregon Institute of Technology (OIT). Based on information available to the Vice President for Student Affairs, this student may have a medical or mental health disorder, and, as a result of that disorder, be engaging in, or threatening to engage in, behavior that:

- 1) Poses a significant risk of causing physical harm to self or others; or
- 2) May result in significant property damage; or
- 3) Directly and substantially impedes the educational processes of the university.

The Vice President has required this student to receive a professional evaluation by a psychiatrist, licensed psychologist, licensed clinical social worker, psychiatric nurse practitioner, or other medical doctor (for non-psychiatric conditions) in order to determine the necessity of medical leave for the student. (Medical leave is typically granted or required in situations when a student needs time to engage in treatment or otherwise improve functioning prior to returning to his/her studies.)

Attached to this form is a summary of the college's concerns about this particular student. The evaluator should review this information prior to the evaluation. A release of information form is also attached.

Following the evaluation, this completed form (or a report containing the information requested herein) should be submitted to:

Joe Holliday, Ed.D.  
Vice President for Student Affairs  
Oregon Institute of Technology  
3201 Campus Drive  
Klamath Falls, OR 97601

In some cases, OIT will pay the cost for this evaluation, while in other cases the student is responsible for the cost. Please address billing questions to Kris Rich at 541 885-1011. Please address other questions to Dr. Holliday at the same phone number. Thank you for your assistance.

Name of professional conducting the evaluation: \_\_\_\_\_  
(please print)

Indicate occupation: \_\_\_\_\_ Psychiatrist  
\_\_\_\_\_ Licenses Psychologist  
\_\_\_\_\_ Licensed Clinical Social Worker  
\_\_\_\_\_ Psychiatric Nurse Practitioner  
\_\_\_\_\_ Other Physician (Indicate Specialty, if any \_\_\_\_\_)

Date of evaluation: \_\_\_\_\_

(form continued on reverse)

Evaluator's Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Phone number: \_\_\_\_\_

Please address the following questions:

1. Does this student have a medical or mental health disorder which involves a significant risk for the student to:

- a. Harm self or others physically? \_\_\_\_\_YES \_\_\_\_\_NO
- b. Significantly damage university property? \_\_\_\_\_YES \_\_\_\_\_NO
- c. Directly and substantially impede the educational processes of the university community? \_\_\_\_\_YES \_\_\_\_\_NO

Please describe the nature of any such risks.

2. Is a period of medical leave from OIT indicated for this student? \_\_\_\_\_YES \_\_\_\_\_NO

3. If risks exists (as documented in question 1, above), what treatment, if any, is indicated for this student? How long might such treatment be expected to last?

4 .Is further assessment indicated in order to accurately respond to the above questions? If so, what assessment is indicated?

Signature of Evaluator \_\_\_\_\_ Date \_\_\_\_\_

January, 2005