

Interim Action and Special Circumstances

The University reserves the right to take necessary and appropriate interim action to protect the safety and well-being of the campus community.

1. **A student may be temporarily suspended from the University, evicted from University Housing, prohibited from being on campus property, restricted or prohibited from campus events, and/or restricted in other ways by the Vice President of Student Affairs or their designee pending University conduct proceedings.** If there is evidence that the student's continued presence on campus at certain activities or at certain locations constitutes a threat to others or to the continuance of normal University operations, interim suspension, eviction, and/or restrictions may be imposed effective immediately and without prior notice.
2. **Right to Appeal Interim Action.** In cases of interim suspension, eviction, or restriction, the student may appear before the Director of Student Conduct, or their designee, within five (5) working days from the effective date of the suspension or eviction to discuss the following:
 3. The reliability of the evidence against the student.
 4. Whether the alleged conduct and surrounding circumstances reasonably indicate that the student's presence on campus constitutes a threat to others or to the continuance of normal University operations.
5. **Withdrawal Procedures.**
 - a. **Medical or Psychiatric Evaluation and Involuntary Withdrawal.** In order to create a safe and healthy learning environment and to ensure the well-being of the University community, the University may initiate an involuntary withdrawal of a student. If a student's behavior indicates that the behavior may be the result of a physical or psychological health-related issue, the University may encourage the student to seek appropriate treatment and to consider voluntary withdrawal as needed or recommended by a health care provider, and/or the University may request that the student seek a medical or psychiatric evaluation. If the student declines the request or there are other indicators that support immediate action, the University may proceed with an involuntary withdrawal.
 - i. Involuntary withdrawals will occur rarely and will be invoked when the student's behavior poses an imminent or significant danger or threat of causing substantial physical harm to self or others; or property; or substantially impedes or disrupts the lawful activities of other members of the University community, or would interfere with the educational process and the orderly operation of the University.
 - b. **Voluntary or Involuntary Withdrawal Procedure.** The following procedures are to be used to help transition a student to a safer environment more conducive to their needs when it becomes clear that remaining at the University is not in the best interest of the student or the University community. These procedures allow for a student to withdraw voluntarily when medical conditions or psychological distress make withdrawal in their best interest; its goal is to define the length of separation, outline the path to re-entry, and ease the transition for the student's return, and to

optimize the opportunities for the student's success when they return.

Under certain conditions, if a student has not opted to take a leave voluntarily, the University may institute an involuntary withdrawal. When the potential for harm to others is present, involuntary withdrawal actions must consider whether the endangering behavior results from a condition of disability. If so, the student will be protected by Section 504 of the Rehabilitation Act of 1973. Under this federal statute, an individual with a disability may only be separated on the basis of this disability when they are not otherwise qualified to participate in the education program of this University. When a student is a direct threat, they are not otherwise qualified under disability law, and may be involuntarily withdrawn.

Assessment: Based on the student's conduct, actions, or statements, and the student meets one or more of the criteria for withdrawal, the Vice President of Student Affairs or their designee may initiate an assessment of the student's ability to safely participate in the University's program(s).

The Vice President of Student Affairs or their designee, will gather information regarding the student and using existing risk assessment protocols to determine the level of direct threat to others or property. Students who engage in direct threats to others and self-harm behaviors that cause a significant disruption to the University community may also be subject to the Student Conduct Code. If the student has been accused of a violation of the Student Conduct Code, but it appears that the student is not capable of understanding the nature or inappropriateness of the action, these procedures may be activated prior to the issuance of a determination in the conduct process. Interim suspension for threat of harm to others will also likely to be imposed.

A direct threat exists when a student poses a significant risk to the health or safety of others. A significant risk constitutes a high probability of substantial harm. Significance will be determined by:

- The duration of the risk;
- The nature and severity of the potential harm;
- The likelihood that the potential harm will occur; and
- The imminence of the potential harm.

If the University believes that the threat is severe, and likely the result of a psychological or physical illness, the Director of Student Conduct (and assisted, as needed, by other appropriate staff) may communicate with the student to offer one or more of the following options:

Take a voluntary medical leave;

1. Undergo a voluntary, individualized, evaluation by a trained medical or psychological practitioner at UAB to determine if the student's behavior poses a direct threat to self or others; or property; substantially impedes or disrupts the lawful activities of other members of the University community, or the educational processes, or proper activities, or learning environment, or functions of the University and its personnel;
2. Provide a signed release of information to permit UAB to contact the existing treatment provider so that relevant records and information can be shared or
3. Comply with treatment recommendations of the health care provider.

Review: The Vice President of Student Affairs or their designee may refer the student for a mandatory evaluation by an appropriate medical and/or mental health care professional. The professional will be selected by the University, and there is no cost to the student for the evaluation.

Prior to the evaluation, the student will be required to sign a written release authorizing the exchange of relevant information among the medical and/or mental health care professional(s) and the University. Upon completion of the evaluation, the Vice President of Student Affairs or their designee will notify the student, in writing, the recommendations, if any, of the medical and/or mental health care professional(s). The student must attend the evaluation session.

The professional making the evaluation shall make an individualized and objective assessment of the student's ability to safely participate in UAB's educational program, based on a reasonable professional judgment relying on the most current professional knowledge and/or the best available objective evidence. The professional will, with appropriate authorization, share their recommendation with the Vice President of Student Affairs or their designee who will take this recommendation into consideration in determining whether the student should be involuntarily withdrawn from UAB.

If the evaluation results in a determination that the student's continued attendance presents no significant risk to the health or safety of the student or others, and no significant threat to property, to the lawful activities of others, or to the educational processes and orderly operations of the University, no further action shall be taken to withdraw the student from the University. The student will be informed in writing by the Vice President of Student Affairs or their designee that they are permitted to continue their enrollment.

If the evaluation results in a determination that the continued attendance of the student presents a direct threat to the health or safety of or others, such that there is a high probability of substantial harm, or a direct threat to property, to the lawful activities of others, or to the educational processes and orderly operations of the University, the student may voluntarily withdraw or be involuntarily withdrawn from the University. In such an event, the student shall be informed in a meeting with the Vice President of Student Affairs or their designee of the voluntary or involuntary withdrawal, and options that are available to the student. In most cases, a student who is involuntarily withdrawn will be given a grade of W in all courses in which the student is currently enrolled.

If the student agrees to obtain a voluntary medical or psychological evaluation or allow contact with the treatment provider, the Vice President of Student Affairs or their designee will review the recommendations. The Office of Student Conduct will attempt to make any reasonable and appropriate accommodations recommended by the health care professional to enable the student to remain in school. If the Vice President of Student Affairs or their designee determines that this is not a safe or viable alternative, the University may still elect to invoke an involuntary withdrawal and require the student to take a leave of absence until such time that they are determined not to be a direct threat to others, and/or property. The Vice President of Student Affairs or their designee will provide written notice of the decision. If leave is imposed, the written notice will address: 1) a timeframe when the student could be eligible to return; and (2) the conditions the student will need to satisfy to be eligible to return. If leave is not imposed, the Vice President of Student Affairs or their designee may require conditions for the student's continued enrollment.

If the student refuses to accept the decision of involuntary withdrawal, the student shall notify the Office of Student Conduct, in writing of such refusal. They may then appeal the involuntary withdrawal decision, in writing within three (3) business days of the date of the notice to the student of the involuntary withdrawal to the Vice President for Student Affairs or their designee. The Vice President for Student Affairs or their

designee may convene a committee to review the matter. Reviews will only be considered for one or more of the following purposes:

- To consider new information which was unavailable at the time of the meeting with staff in the Office of Student Conduct, and could be outcome determinative;
- To assess whether a material deviation from written procedures impacted the fairness or outcome of the meeting;
- To decide if an involuntary withdrawal is disproportionate to the severity of the threat evidenced in the meeting with the staff in the Office of Student Conduct;
- To determine if the decision does not align with the information provided in the meeting or whether reasonable accommodations might mitigate the risk with a withdrawal; or
- To assess whether bias on the part of the staff in the Office of Student Conduct deprived the process of impartiality.

The Vice President for Student Affairs or their designee or the committee shall make a written report containing its findings and conclusions. Copies of the report shall be given to the student. The decision of the Vice President for Student Affairs or their designee or the committee is final.

1. **Financial Implications:** Regardless of the circumstances for withdrawal, UAB tuition and fees will apply with regard to tuition, fees, refunds and University housing unless determined otherwise by the respective department receiving the report.
2. **Clearance/Return to the University following Voluntary or Involuntary Leave:** Students who withdrew voluntarily or involuntarily under the Student Conduct Code must submit a request to the Office of Student Conduct, and provide documentation that must indicate that the student is no longer a direct threat to others and is otherwise qualified to participate in the University's educational programs. As needed, UAB will work with the student to make necessary and reasonable accommodations as recommended by the treating health professional. UAB will work with the student to make necessary reasonable accommodations as recommended by the treating health professional. Students on voluntary or involuntary withdrawal will not be subject to additional requirements or exceptional standards upon their return.