



## President's Council Guidelines & Protocols

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| <b>Protocol/Guideline Title:</b><br>UVU Student Safety Intervention Protocol  |                           |                           |
| <b>Responsible Office:</b> Dean of Students   |                           |                           |
| <b>Date Approved by President's Council:</b> 11/15/2018   |                           |                           |
| <b>UVU Web Host Page:</b> <a href="http://www.uvu.edu/policies/guidelines/guidelines.html">http://www.uvu.edu/policies/guidelines/guidelines.html</a> |                           |                           |
| <b>UVU Web Pages that Link to Host Page:</b>  |                           |                           |
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*The following is not official university policy but rather a guideline used to facilitate the internal actions of the University or a particular unit within the University. Guidelines are not binding on the University and may be amended by the University at any time. A guideline, such as the one to follow, does not establish any contractual rights or obligations between the University and any individual*

# President's Council Guidelines & Protocols

## Executive Summary

This document establishes a process for safety intervention and involuntary withdrawal of students who pose a credible, substantial risk of harm to individuals within the University, or to the university community, or who substantially impede the lawful activities, educational process, or proper activities or functions of other members of the university community.

## Related University Policies

UVU Policy 541 *Student Rights and Responsibilities Code*

## Commitment to a Safe Educational Environment

Utah Valley University is committed to maintaining a learning environment where all persons feel safe to carry out the University's mission and goals. The University is an institution that values the safety of each individual in its community. As a result, the University has developed a Behavior Assessment Team (BAT). The primary goal of BAT is to improve community safety through collaborative, coordinated, objective, and thoughtful approaches to the prevention, identification, assessment, intervention, and management of situations that pose, or may reasonably pose, a threat to the safety, security, and well-being of the university community and its individual members. In accordance with this guideline and university policy, BAT will review and evaluate information regarding concerns or issues involving student threats to the university community, and will coordinate interventions, as necessary, to protect the community and its members.

## Criteria for Safety Intervention and Risk Assessment

The Safety Intervention and Risk Assessment procedures described below establish a fact-based analytical process for intervening with and assessing the risk presented by students who

- 1) Pose a credible, substantial risk of harm to individuals within the University or to the University community as a whole; or
- 2) Substantially impede the lawful activities, the educational process, or the proper activities or functions of other members of the university community.

Student conduct, academic, or other proceedings may continue even when a student is subject to an intervention or involuntary withdrawal pursuant to this protocol.

## Interim Safety Intervention or Involuntary Withdrawal

If safety is an immediate concern, the University is permitted to take interim action, including contacting campus and/or local police, to protect the well-being of all members of the university community. Through interim involuntary withdrawal, the University may remove a student from university premises when the Dean of Students or designee, in their professional judgment considering all reasonably available information, determines there to be a credible and substantial threat of immediate harm to an individual or the university community. Interim involuntary withdrawal is a preliminary action taken to protect the health and safety of the university community, and is not a disciplinary measure.

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Within two business days from the effective date of the student's interim involuntary withdrawal, the student may appear before the Dean of Students or designee to discuss the reliability of the information concerning the student's behavior. Following this meeting, the Dean of Students or designee may either continue or cancel the interim involuntary withdrawal. Even when an interim involuntary withdrawal is cancelled, the procedures outlined in the "Safety Intervention and Involuntary Withdrawal Process" section may still proceed as warranted. An interim involuntary withdrawal may remain in effect until a final decision is made pursuant to the procedures outlined in this protocol.

### **Behavioral Assessment Team**

The Behavioral Assessment Team (BAT) assists in evaluating whether a student meets the criteria for safety intervention and/or involuntary withdrawal. BAT may also act as a resource, consultant, or advisor to any academic department, school, college or program in determining whether a student is qualified to perform the essential functions of an academic program, or to provide other guidance regarding an individual student's access to the University's educational opportunities.

The composition of BAT will depend upon the specific circumstances of each particular case; however, the participation of an appropriate health professional and the Dean of Students (or their designee) is mandatory. Representatives from Student Health Services, Campus Police, Academic Affairs, Emergency Management and Safety, Human Resources, Equal Opportunity, Accessibility Services, Student Conduct, the Office of General Counsel, and other members may be added at the discretion of the Dean of Students.

### **Safety Intervention and Involuntary Withdrawal Process**

Any member of the university community who has reason to believe that a student poses a violent threat or a threat to public safety should contact campus police or the local police department. Any member of the university community who has reason to believe that a student poses a credible substantial risk of harm to the university community, and thus may meet the criteria for Safety Intervention and/or Involuntary Withdrawal, may contact the Dean of Students or designee, who will conduct an informal review of the information reported. All reports made pursuant to this protocol will be handled in a confidential manner, with information released only on a need-to-know basis in accordance with applicable federal and state laws and regulations.

Upon completion of the informal review, the Dean of Students or designee may recommend that a student be subject to a safety intervention or involuntary withdrawal for reasons under the criteria set forth above.

In determining whether the student presents a credible substantial risk of harm to the university community, the Dean of Students or designee (in consultation with BAT, if needed) will make a reasonable judgment through an individualized assessment based on the best available evidence and current medical or other specialized knowledge to ascertain

- 1) The nature, duration, and severity of the risk;
- 2) The probability that potential injury and/or harm will occur;
- 3) Whether the student substantially impeded the educational processes or functions of other members of the University community; and

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- 4) Whether reasonable modifications of policies, practices, or procedures may significantly mitigate the risk.

As part of this individualized assessment, the student may be required to undergo a medical or psychological evaluation by an independent and objective health professional (including the University's Student Health Services) designated by the University. The student may also be required to sign necessary releases so that the report from the evaluation may be provided to BAT, and other administrators if appropriate, for the purposes of determining whether the student should be subject to an intervention or involuntary withdrawal. The Dean of Students or designee will also consider any medical or other relevant information submitted by the student, including but not limited to a medical or psychological evaluation by a health professional of the student's choice.

As part of this evaluation, the University will consider how a student's past or ongoing condition may have contributed to the risk of harm. The Dean of Students or designee may consult BAT, the Office of Accessibility Services, and other resources as needed to determine if the student is a qualified individual with a disability and whether a reasonable accommodation will allow that student to meet their essential academic and *Student Code* responsibilities while abating the risk of harm and maintaining a safe environment for all students. This determination shall also evaluate whether such accommodation can be provided without fundamentally altering the essential functions or lowering the academic standards of the educational program, and without creating undue hardship to the University.

Whether or not the student is a qualified individual with a disability, the Dean of Students or designee will generally attempt to engage in an interactive dialogue with the student to discuss the manner in which the student plans to abate the risk of harm. As part of this interactive process, the Dean of Students or designee will, when feasible, actively encourage the student and/or their medical provider to suggest possible actions (including voluntary withdrawal) to address and abate the risk of harm. The Dean of Students or designee and the student may also choose to engage other professionals or university administrators in formulating a proposed plan. The Dean of Students or designee may then further consult with BAT to determine if the proposed plan devised from the interactive dialogue appropriately addresses and abates the risk of harm. If BAT finds the proposed plan is inappropriate or insufficient to address the risk of harm, the Dean of Students or designee may resume the interactive process with the student.

The Dean of Students or designee may communicate with essential personnel regarding the proposed plan and will take necessary steps to ensure its implementation and/or any necessary monitoring.

If a student is subject to an intervention or is involuntarily withdrawn pursuant to this protocol, to the extent appropriate and practicable, conditions for return may be specified in writing by the Dean of Students or designee.

### **Appeal of Intervention and/or Involuntary Withdrawal**

Within three business days of the intervention or involuntary withdrawal determination, the student may make a written appeal to the Dean of Students or designee to request an informal proceeding to review the determination.

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The informal proceeding shall take place within seven business days of receipt of the written appeal. The person (Dean of Students or designee) who conducts the proceeding must hold a position at the University higher than that of the individual who made the original determination. Under no circumstances may the person who made the original determination conduct the proceeding. The informal proceeding is generally limited to 60–90 minutes in duration, unless the Dean of Students or designee, in their discretion, determines that additional time is necessary.

The Dean of Students, designee, or the individual recommending the involuntary withdrawal will provide the student with all of the following before the informal proceeding:

- 1) A written statement explaining the reasons for intervention or involuntary withdrawal and the information relied upon; and
- 2) An opportunity to review the evaluations relied upon by the Dean of Students or designee.

At the informal proceeding, the student may choose to be assisted by an advisor of their choice, who may but need not be an attorney, parent or guardian, a health professional, and/or a faculty or staff member. Legal counsel participation shall be limited to consultation purposes only during the informal proceeding. Subject to an informal determination regarding relevance by the Dean of Students or designee, the student will be permitted to be heard and to present witnesses and information to dispute the reasons for the intervention or involuntary withdrawal, or the information relied upon by the Dean of Students or designee in making the determination.

The student shall provide to the Dean of Students or designee a written list of witnesses, and the subject matter of their expected testimonies, no fewer than five days before the informal proceeding. The Dean of Students or designee and the student will review the list three days before the informal proceeding and will determine their relevance and necessity. Students are responsible for contacting and securing the attendance of any witnesses, and all such contact and requests for appearance must be done civilly and in accordance with UVU's Policy 541 *Student Rights and Responsibilities Code*.

As to an involuntary withdrawal, following the informal proceeding, the Dean of Students or designee shall determine whether to (1) uphold the withdrawal; (2) reinstate the student; or (3) reinstate the student subject to specified conditions that may include, without limitation, participation in an ongoing health treatment program, acceptance of and compliance with a behavioral plan, a housing relocation, reduced course load, or any combination thereof.

The Dean of Students or designee may modify the conditions of return at any time. The decision of the Dean of Students or designee shall be final.

### Return to Campus

A student who has been removed from campus or withdrawn pursuant to this protocol, either voluntarily or involuntarily, who wishes to be considered for return to campus shall contact the Dean of Students or designee and provide appropriate documentation to comply with the conditions of return, if any are imposed. The student may also present any relevant documentation or information that the student believes supports his or her request for return.

The Dean of Students or designee will review the request for return as follows:

- 1) Review and investigate compliance with the conditions of return, if any.

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- 2) Consult with the appropriate academic unit to determine whether the student is eligible for return or readmission based upon the student's academic record and the readmission policies and practices of the academic unit.
- 3) Consult with appropriate members of BAT.
- 4) Consider any additional information or documentation presented by the student in support of return.
- 5) Meet with the student.
- 6) Keep record of plan and actions in the Student Conduct database.

The Dean of Students or designee will recommend to the University, and to student's intended academic unit of enrollment if necessary, whether, in the professional judgment of the Dean of Students or designee, the student should be allowed to return. Students qualified for return will be permitted to do so upon recommendation of the Dean of Students or designee.

A student denied return pursuant to this protocol may make a written request to the Dean of Students or designee for an informal proceeding to review the determination. The person (Dean of Students or designee) who conducts the proceeding must hold a position at the University higher than that of the individual who made the original determination. Under no circumstances may the person who made the original determination conduct the proceeding. The informal proceeding to review the return determination will follow the same procedures outlined in the appeal section of this protocol.

| HISTORY           |                              |                     |
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| November 15, 2018 | Approved for implementation. | President's Council |
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