

# Involuntary Medical Withdrawal Policy

## I. Scope and Application

Johnson & Wales University ("JWU") seeks to provide a healthy, positive, and safe learning environment for all members of the university community. Pursuant to these Involuntary Medical Withdrawal of Students Policy and Procedures ("Policy"), the university may require students to withdraw from the university or any university program (defined to include any university activities, classes, or programs, including university-affiliated internships), indefinitely or permanently or until such time as the university determines the student may resume their enrollment in the university or participation in any university program, as the case may be. This Policy is designed to comply with applicable laws, including laws governing disability. This Policy is not a substitute for and does not replace any disciplinary process or sanctions that may be imposed under the Student Code of Conduct or for academic or other violations. This Policy may be invoked independent of or concurrent with the processes and sanctions under the Student Code of Conduct or otherwise. This Policy applies to current university students.

## II. Definitions

A. "Acute Medical Episode" means any sudden or unexpected mental or physical medical occurrence that could pose a significant risk to the health or safety of the student or one or more others or that is not conducive to the operation of or is disruptive to any university program or the university community or environment generally.

## III. Policy

### A. Criteria for an Involuntary Medical Withdrawal

1. A student may be placed on an involuntary medical withdrawal from the university or any university program if the university determines on an individualized case-by-case basis, in accordance with objective evidence and the procedures listed below, either of the following (with respect to the university generally or any particular university program):

- a) The student poses a significant risk to their own health or safety; or
- b) The student poses a significant risk to the health or safety of one or more others.

2. Hereinafter, these factors shall be called the "Withdrawal Criteria."

### B. Acute Medical Episodes

1. The procedures below should generally be followed in the event of an Acute Medical Episode, but given the unique and time-sensitive circumstances that may arise, a departure from the procedures outlined herein may be reasonable. As a general matter, when a student suffers an Acute Medical Episode in connection with any university program, the university employee with responsibility for that university program (e.g., a coach of an athletic team, a faculty member teaching a course, etc.) (hereinafter, "Responsible Employee") should promptly contact the appropriate healthcare professionals (e.g., emergency responders/9-1-1 if the situation so warrants, university healthcare professionals if the situation so warrants, etc.) to address the immediate risk presented to the student or others. As a general matter, the Responsible Employee should, thereafter, immediately contact Campus Safety & Security. If the student declines medical treatment, the Responsible Employee may contact the associate dean of students for counseling, health & wellness/dean of students (defined to include his/her designee), the appropriate dean of the applicable college or the appropriate director as to any activity or program, or other appropriate personnel to confer with him/her/them and determine whether to require the student to leave the university program or the university premises immediately for that day. Alternatively, depending on the circumstances, the Responsible Employee may determine, in their judgment, whether to require the student to leave the university program or the university premises immediately for that day. Preeminent consideration shall be given to the health and safety of the student and others in the university program and, additionally, the extent to

which the student may continue participating in the university program on that day or remain on university premises on that day consistent with the other Withdrawal Criteria. Consideration shall also be given to any relevant explanation or documentation the student may be able to provide at the time.

2. Generally speaking, as soon as reasonably practicable, and, absent unusual circumstances, generally not later than the end of that day, the Responsible Employee should prepare a written report of the incident ("Report") and send the Report to the associate dean of students for counseling, health & wellness/dean of students. In the usual case, Campus Safety & Security should prepare an Unusual Incident Report ("UIR") as it would in the normal course.

3. The associate dean of students for counseling, health & wellness/dean of students shall consider whether to send the Report to other university personnel, with consideration of the health and safety of the student and others in mind (so that, e.g., if the student is on an athletic team, and suffered a concussion, the Report would be sent to the director of Athletics, etc.).

4. The associate dean of students for counseling, health & wellness/dean of students, in concert with the Responsible Employee and other appropriate university personnel as the university deems appropriate, shall determine what, if any, measures to implement to protect the health and safety of the student and other members of the university community and the university's interest in maintaining a positive learning environment.

5. Pending any final determination, the associate dean of students for counseling, health & wellness/dean of students, in concert with the Responsible Employee and other appropriate university personnel as the university deems appropriate, shall implement such interim measures as they deem warranted in their sole discretion, giving appropriate consideration to the Withdrawal Criteria. Such interim measures may include, but not be limited to, temporarily precluding the student's participation in any university programs or the student's presence on university premises. Consideration shall also be given to whether involuntary withdrawal from the University generally is appropriate pursuant to this Policy.

### C. Involuntary Medical Withdrawal Process

1. The university may become aware of the potential need for an involuntary medical withdrawal from the university or any university program through a variety of means, including not only through an Acute Medical Episode but also through the Crisis Aversion and Response Evaluation (CARE) Team or directly through the associate dean of students for counseling, health & wellness/dean of students or otherwise.

2. If a potential need for an involuntary medical withdrawal is identified, the associate dean of students for counseling, health & wellness/dean of students or such person's designee will conduct the initial assessment of whether an involuntary medical withdrawal is warranted. The individual conducting the assessment will collect available information as he or she deems appropriate, including information obtained from a Report, if any, or any other reports, CARE Team meetings, conversations with students, faculty, and staff (giving appropriate weight to the views of the Responsible Employee, if any), relevant documents, and the written or oral opinions of appropriate medical professionals if such information is available.

3. When the associate dean of students for counseling, health & wellness/dean of students or such person's designee makes a preliminary assessment that one of the Withdrawal Criteria for an involuntary medical withdrawal may be met, they will, where reasonably possible and appropriate in their discretion, meet with the student to discuss the issues, whether there are reasonable accommodations that will avoid the need for an involuntary medical withdrawal, and the procedures for an

involuntary medical withdrawal. The associate dean of students for counseling, health & wellness/dean of students will, where reasonably possible and appropriate in their discretion, give the student a reasonable opportunity to respond in writing with such student's views on the matter.

4. If the associate dean of students for counseling, health & wellness/dean of students determines it is warranted, they shall request that the student sign an authorization permitting medical professionals who have treated the student to share information with the associate dean of students for counseling, health & wellness/dean of students and such other university personnel as they deem appropriate. Failure by the student to sign the authorization will be considered as a failure to cooperate, and the university will act on the information available to it at that time.

5. If, following the initial assessment and any meeting with the student, the associate dean of students for counseling, health & wellness/dean of students/dean of students determines an involuntary medical withdrawal may be appropriate, they will convene an "Involuntary Medical Withdrawal Committee" that may be comprised of the dean of students, the associate dean of students for counseling, health & wellness, the appropriate director of counseling and/or health services, and the appropriate director of accessibility services/Academic Success Center (including any of their respective designees), or other appropriate parties, as determined by the associate dean of students for counseling, health & wellness/dean of students. Additional university personnel will be added to the Involuntary Medical Withdrawal Committee if and when appropriate, in the committee's discretion. The Involuntary Medical Withdrawal Committee will review the pertinent information and will make a determination on an individualized case-by-case basis, taking into consideration the nature, probability, severity, and timing of the risk and whether reasonable modifications of the university's policies, practices, or procedures will mitigate the risk. The Involuntary Medical Withdrawal Committee will render a decision, and the associate dean of students for counseling, health & wellness will present that decision to the student in writing ("Decision").

#### D. Notice to Student about Decision Regarding Involuntary Medical Withdrawal

1. In the case of an involuntary medical withdrawal, the Decision shall include all relevant information, usually including the following: (1) whether the withdrawal is from the university generally or solely from a particular university program or university programs; (2) the effective date(s) of the involuntary medical withdrawal; and (3) any conditions that must be satisfied (in addition to the university's Readmittance Policy) for the student to be re-enrolled in the university or resume the university program(s) at issue, as the case may be (if re-enrollment or resumption, as the case may be, is contemplated) with or without reasonable accommodations (with potential conditions to include, but not be limited to, disclosure of medical records, compliance with medical treatment plans, consultations with university personnel, examination by university or independent healthcare providers, and limitations on participation in certain university programs or aspects thereof); and (4) any other relevant details respecting the involuntary medical withdrawal.

E. If the Involuntary Medical Withdrawal Committee decides an involuntary medical withdrawal is not appropriate, it may condition the student's return to the university or any university program on the student's compliance with certain requirements. Such requirements may include, among others, disclosure of medical records, compliance with medical treatment plans, consultations with university personnel, examination by university or independent healthcare providers, and limitations on participation in certain university programs or aspects thereof. If, thereafter, the student fails to comply with the requirements, the Involuntary Medical Withdrawal Committee may impose an involuntary medical leave, among other potential measures to address the noncompliance.

#### F. Reinstatement Procedures following Involuntary Medical Withdrawal

1. A student who is placed on involuntarily medical withdrawal from the university as a whole shall have a hold placed on their records.

2. At minimum, to be reinstated in the university or any university program, as the case may be, a student must provide the university with medical documentation from the appropriate treating healthcare provider(s), qualified to render the requisite medical opinion, and a release enabling the associate dean of students for counseling, health & wellness/dean of students and other university personnel to exchange information with such treating healthcare provider(s).

3. JWU may require further information from the student if it determines that the information provided by the student's treating healthcare provider(s) is not sufficient (e.g., if the information provided is incomplete, requires further clarification or explanation, or conflicts with other information about the student) to make a determination that the student is ready to resume studies and function in a healthy and safe manner as a successful member of the university community, with or without reasonable accommodations.

4. In addition, in certain circumstances (e.g., where the university is concerned about a treating provider's credentials), the university may request that the student undergo an additional assessment to allow the university to make a determination about the student's return. In those cases, the university will provide the student with a written explanation for such determination.

5. Students should submit the requisite documentation to the associate dean of students for counseling, health & wellness/dean of students at least two weeks prior to their desired return date to the university. The Involuntary Medical Withdrawal Committee will evaluate the documentation and make the determination of whether the student has satisfied the conditions of reinstatement and inform the student in writing of such determination within a reasonable period of time.

6. Students with disabilities are responsible for communicating their requests for reasonable accommodations to Accessibility Services/Academic Success Center.

#### G. Tuition Refund and School Health Insurance (APPLICABLE ONLY TO WITHDRAWALS FROM THE UNIVERSITY AS A WHOLE)

1. A student who is withdrawn under this Policy will be subject to the tuition refund schedule described in the University Withdrawal Credit Policy.

2. In addition, the university allows students enrolled in the JWU Student Health Insurance Plan who have been given an involuntary medical withdrawal to continue such enrollment for a maximum of one term/semester; however, students must complete an enrollment application and pay separately the current premium for that term to the university's insurance agency. International students may be able to continue to remain in the United States in compliance with applicable immigration regulations; please consult with the International Student Services Office.

3. This Section does not apply to withdrawals from a particular university program or programs but only withdrawals from the university as a whole.

#### H. Appeal

1. Students may appeal a decision regarding involuntary medical withdrawal and/or reinstatement by submitting a request in writing, by hand delivery or certified mail, to the vice president of student affairs (defined to include their designee). The request must be submitted within 10 days of the date of the relevant decision and must state clearly the basis for the appeal. During an appeal, students will remain on medical withdrawal or subject to other conditions imposed at the university's discretion. The vice president of student affairs will review the appeal within a reasonable time after receipt and will make decision concerning the appeal within a reasonable time. The decision of the vice president of student affairs will be final.

**IV. Policy Owner**

Associate Dean of Students for Counseling Health & Wellness, Providence

Dean of Students, Charlotte

**V. Effective Date**

Originally issued: September 2019

Last update: April 2025