University Initiated Withdrawal Policy

**Custodian of Policy:** Provost and Senior Vice President for Academic and Student Affairs

**Effective Date:** December 2024

**Last Review:** Fall 2024

**Next Review:** Fall 2031

Policy

The University is committed to ensuring equality of educational opportunity while fostering an environment that promotes education, research, service, and the growth and safety of all members of its community.  From time-to-time University officials may become aware of a student who presents a direct threat to the health or safety of others or poses an actual risk to their own safety or creates unreasonable disruptions to other students and to campus operations.

In such situations, the safety and security of the University community is paramount. University officials may accordingly consider and implement reasonable security, and health and safety measures as appropriate. Additionally, the University may determine that it is necessary for the student to be involuntarily withdrawn from the University for the protection of the University community. Such withdrawal must be conducted according to the standards and procedures described in this policy.

This policy will be applied in a nondiscriminatory manner consistent with applicable federal and state laws prohibiting discrimination based on disability and accordance with the [Minnesota State 1B.1 Nondiscrimination Policy.](https://www.mnstate.edu/about/policies-procedures/list/equal-opportunity/)

The unique nature of the situations and circumstances requiring action under this policy necessitate use of judgement and flexibility in application. Procedures followed will be authorized by the Provost and Senior Vice President of Academic and Student Affairs and administered by the Dean of Students or designee on a case-by-case basis. These variations in procedures will not negate the findings or provide a basis for appeal.

The University-initiated withdrawal process should be initiated only after attempts to secure voluntary cooperation for a psychological evaluation or withdrawal have been exhausted or if the student refuses to agree or adhere to reasonable conditions established for their continued enrollment in the University.

The following criteria will be used as the basis for evaluating individual action:

* Student poses or threatens to pose a credible substantial risk of harm to the health, safety, or well-being of themselves or member(s) of the University community;
* Student poses or threatens to pose a credible substantial risk of harm to the property rights of others;
* Student behavior directly and substantially impedes the education, residential, or other activities of the University community;
* Student behavior demonstrates a pattern of disruption that impedes the educational mission of Minnesota State University Moorhead; or
* Student lacks the capacity to respond to or understand the nature of the concerns and/or the ability to manage their conduct.

For the purpose of this policy individuals who are not university employees and are not enrolled in the institution but live in university-owned residence halls are considered students.

**Relationship to Student Conduct Process:**

The University-initiated withdrawal of a student is not intended to be punitive and does not necessarily indicate any underlying misconduct; therefore, it is not considered disciplinary in nature.

Following Minnesota State University System Board Policy, the student's account will be adjusted to reduce charges after the date the withdrawal takes effect.

Definitions

**Review Committee:** A group of University professionals knowledgeable on health, safety, and student development issues and will usually include, but is not limited to, a representative from Counseling Services, Accessibility Resources, Dean of Students Office, and Academic Success Center. A representative from the Registrar’s Office and the Office of Scholarship and Financial Aid will also be present to provide information and perspective on impacts of potential withdrawal on the student’s records.

**Student:** All persons or groups of persons who:

1. Are enrolled in one or more courses, either credit or non-credit, through the university; or
2. Withdraw, transfer, or graduate after an alleged violation of the code of student conduct; or
3. Are not officially enrolled for a particular term but who have a continuing relationship with the university; or
4. Have been notified of their acceptance for admission or have initiated the process of application for admission or financial aid.

**University:** Refers to Minnesota State University Moorhead.

Procedures

The decision to proceed with University-initiated withdrawal is not made lightly and evaluation of information is applied on a case-by-case basis because of the unique and sensitive nature of the circumstances. The Dean of Students receives, evaluates, and processes information regarding students from multiple sources, both internal and external. Procedures for University initiated withdrawal may include, but are not limited to the following:

**Preliminary Review**

A student will be subject to University-initiated withdrawal if the Dean of Students, in consultation with representatives of the campus behavioral intervention team, concludes that the student poses a direct threat to the health or safety of the individual or others, or creates unreasonable disruptions to other students and to campus operations. Criteria listed above will be considered in making this decision. Decisions are not made based on mere speculation, stereotypes, or generalizations about individuals with disabilities. An actual risk to a student’s own safety may include situations in which the student is unable or unwilling to carry out substantial self-care obligations or the student has health needs requiring a level of care that exceeds what the University can appropriately provide. In making this determination, the Dean of Students, in consultation with members of the Care Team, will make an individualized assessment, based on reasonable judgment that relies on professional expert assessment or on the best available objective evidence, to ascertain:

1. The nature of the risk.
2. The duration of the risk.
3. The severity of the risk.
4. The probability that the potential injury will actually occur.
5. Whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.
6. Whether the risk can be sufficiently mitigated without causing substantial disruption to university operations.

The Dean of Students or designee will:

* Review available information;
* Request additional relevant information;
* Make a recommendation regarding the appropriate method(s) to address and proceed based on available information. This may include initiating the University initiated withdrawal procedure.

**Procedure: Emergency Interim Protective Withdrawal**

In situations requiring temporary, interim action, the Dean of Students or designee may determine that a short-term removal or temporary alteration of privileges is necessary pending completion of the full evaluative process. The decision will be made utilizing the Review Committee defined above. This need might arise when there is a reasonable basis to believe that a student poses a credible threat of immediate and substantial harm to a member or members of the campus community or creates unreasonable disruptions to other students and to campus operations.

The Dean of Students or designee, may implement an emergency interim protective withdrawal at any time if it is determined that there exists a direct threat or actual risk as described in the policy section above. A student placed under emergency interim protective withdrawal may be prohibited from attending classes and from living in University housing. In addition, the University may restrict a student from campus or from any portion of campus if the University believes that a restriction is warranted given the circumstances.

The Dean of Students will provide to any student subject to emergency interim protective withdrawal, notice of such status and give the student an opportunity to meet within two (2) business days from the effective date of the emergency interim protective withdrawal in order to discuss: (a) the reliability of the information concerning the student's behavior, and (b) whether there exists a direct threat or actual risk as described in the policy section above.

Based on this discussion, the Dean of Students or designee will make a determination about whether to cancel the emergency interim protective withdrawal.  If the Dean cancels the emergency interim protective withdrawal, the Dean may still start the university-initiated withdrawal process in accordance with the outlined policy and procedures. If the Dean continues the emergency interim protective withdrawal, the Dean will initiate the university-initiated withdrawal process as outlined below, and the emergency interim protective withdrawal will remain in effect until the involuntary protective withdrawal process has been terminated or the student withdraws, voluntarily or involuntarily, under this policy.

If the Dean of Students or designee determines altered privileges, rather than suspension, may adequately protect the student and others, the student may be allowed to continue participating in classes but be restricted from access to University housing, other services, and/or campus activities by providing the student a notice of interim altered privileges. When the student is restricted, the Dean of Students will start the University-initiated withdrawal process as outlined below, and the interim restrictions order will remain in effect until the university-initiated withdrawal process has been terminated or the student withdraws, voluntarily or involuntarily, under this policy.

**Initial Meeting**

Following a preliminary determination to pursue University-initiated withdrawal an initial meeting is scheduled between the student and the Dean of Students or designee. The meeting may include:

* Sharing information about behavior and/or incidents that cause concern;
* Providing an opportunity for the student to explain behavior and submit supporting materials;
* Discussing options to address concerns including, but not limited to, proceeding with an alternate University process, entering a behavioral agreement, withdrawing voluntarily, or continuing with University-initiated withdrawal; or
* Informing the student of the applicable procedures.

The Dean of Students or designee will determine the appropriate course of action.

If it is determined that the student meets the standard for University-initiated withdrawal, the Dean of Students or designee will notify the student of their right to a hearing before a review committee, but will also offer the student the opportunity to waive the hearing and agree to a voluntary withdrawal.

If the student does not voluntarily withdraw within two (2) business days of the notification, the Dean of Students will schedule a hearing with the review committee.

If the student fails to attend the initial meeting described in this section within two (2) business days of the date of the notice of the meeting, the Dean may schedule a hearing with the review committee based on the available evidence in accordance with said policy.

**Assessment/Evaluation**

On an individual basis it may be necessary to obtain objective assessment of a student’s ability to participate in the social and academic life of the university. Criteria for assessment may be determined by the Dean of Students Office. Students may be required to undergo an evaluation by an independent health-care professional, which may include the institution’s own resources. Students may be required to sign releases allowing the institution to access relevant information which may include medical and psychological records with the requestor. Failure to sign a release or complete the assessment may be considered in the subsequent University-initiated withdrawal process.

The assessment/evaluation will be completed no more than five (5) business days from the date the student is informed of that requirement unless otherwise specified. Results of the assessment/evaluation will typically be provided to the Dean of Students Office within two (2) business days following the assessment. The student may be provided a copy of the assessment upon request.

**Review Committee Process**

The review committee will meet once all information is gathered. The review committee will be an ad hoc committee appointed and led by the Dean of Students or designee.

The student will be notified in writing at least 48 hours in advance of the hearing with the review committee and provided the information that will be presented to the review committee. The hearing may occur, even if the student chooses not to attend.

The student has the following rights at the hearing:

* To be accompanied by an support person of the student’s choosing;
* To present relevant information, including testimony or written reports by healthcare providers, whether affiliated or not with the university; and
* To review and comment on all documents, information, and statements presented to the committee.

Upon completion of the hearing, the review committee will make a recommendation to the Dean of Students or designee who will determine whether to accept the recommendation and provide the final decision.

**Decision**

Decisions may include, but are not limited to the following:

* Student is permitted to remain enrolled without conditions.
* Student is permitted to remain enrolled with conditions.
* Student is not permitted to continue enrollment at the University until certain conditions are met.
* Student is not permitted to continue enrollment at the University.

The student will be notified via MSUM email and through certified mail of the decision in a timely manner. If the decision contains restrictions on enrollment the decision letter will also include the minimum length of time until the student may begin the process to re-enroll at the University. University-initiated withdrawals are typically for a minimum of one year. Eligibility to re-enroll may be based on meeting specified conditions. The notification letter will also contain conditions for re-enrollment, if applicable.

The student has the right to appeal the decision based on specific criteria (below). If the decision is for a University-initiated withdrawal, the student will be withdrawn from all courses after the appeal deadline has passed. A notation of “W” will be placed on the student’s transcript.

If the student resides in University housing, they will be directed to move out and will be ineligible to return to university housing until they have met the terms of the withdrawal.

**Student Appeal**

A student has five (5) business days to appeal a University-initiated withdrawal decision. The appeal must be submitted in writing to the Provost and Senior Vice President for Academic and Student Affairs and be based on one or more of the following:

* Clearly erroneous factual findings;
* Substantial procedural irregularities, resulting in bias or placing in question the fairness of the outcome;
* New or newly available information that would have affected the outcome or remedy; or
* Conditions to be met prior to enrollment are unreasonable or inappropriate.

 **Students Studying Abroad**

University students studying abroad are subject to and will be afforded all rights pursuant to this policy, with the understanding that reasonable adjustments may be necessary to accommodate cultural, language, and time differences and to allow for the distance between the study abroad site and the University. Such adjustments may include, but are not limited to, the substitution of an on-site advisor in the role of the Dean of Students when deemed appropriate and the engagement of an on-site mental health professional to conduct any requisite mental health evaluations.

In addition to being subject to this policy, University students who are studying abroad with another host institution may be subject to the involuntary withdrawal policies of that institution.

**Records and Data Privacy**

All records concerning the proceedings under this policy will be maintained for eight (8) years by the Dean of Students and will be kept confidential in accordance with the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g, and implementing regulations of the U.S. Department of Education, 34 C.F.R., Part 99 and the Minnesota Data Practices Act, Minn. Stat. Chapter 13.

**Request to re-enroll at the University**

When the terms of the University-initiated withdrawal have been met or expired, and a student wishes to re-enroll, the student must schedule a meeting with the Dean of Students or designee at least 60 days prior to the beginning of the semester for which the student seeks re-enrollment. If conditions or requirements were imposed (identified in notification letter) as part of the University-initiated withdrawal, documentation must be presented from an accredited provider that certifies that the reason for withdrawal is mitigated, controlled, or no longer valid and the student is able to return. In addition, the student may be required to demonstrate the ability to meet the academic requirements and social expectations of university life.

The Dean of Students or designee will make the decision regarding re-enrollment. If re-enrollment is denied, the student will be notified in writing and provided a rationale for the decision. If re-enrollment is approved additional procedures may need to be met as part of academic readmission policies.