

# Section V: Emergency Action Suspension and Involuntary Administrative Withdrawal

## 1. Emergency Action Suspension

As the Chief Executive Officer of the University, the President holds the ultimate authority in matters of student discipline. Unless otherwise exercised or modified by the President, this emergency authority is delegated to the Associate Vice President for Student Affairs.

On rare occasions, this authority may be exercised to protect a student's own physical or emotional safety and well-being; University property; the health and safety of particular individuals and/or the University community; or to prevent the threat of disruption of, or interference with, the normal operations of the University. On such occasions, the President or Associate Vice President for Student Affairs may take emergency administrative action to immediately suspend a student's enrollment. In these instances, the student will be notified of this action, orally and/or in writing and apprised of the reasons for the suspension. An Emergency Action Suspension Hearing (EASH) will be held as soon as one can be convened, but no more than thirty (30) calendar days from notification of action. The purpose of the EASH will be to determine whether the student may remain enrolled at the University while they await a regular Disciplinary Hearing, as described in Section IV of the *Code*. The EASH notice will include the time, date and location of the hearing.

## 2. Involuntary Administrative Withdrawal

In situations where the University cannot effectively monitor or control the conditions or behaviors of a student, it reserves the right to effect a Total Involuntary Administrative Withdrawal. In circumstances where the mental, emotional and/or physical welfare of the student is in jeopardy, or where the student's behavior and conduct present an imminent danger or threat to the individual student, other members of the University Community or the University Community at-large, it may become necessary to take emergency action to temporarily or permanently separate a student from the campus community. Further, in these instances, the University reserves the right to contact the student's parent, guardian, and/or next of kin, in accordance with the Family Education Rights and Privacy Act), which provides for the release of normally protected student information when it is believed that the student represents a health or safety risk to self or others.

This policy will be instituted in the event that a student: (a) demonstrates lack of good judgment, suicidal behavior, self-destructive behavior, or has untreated or uncontrollable medical or mental conditions which result in actual or possible imminent danger of injury to self or members of the University Community; (b) demonstrates an inability, without adequate care, to satisfy personal needs, including activities of daily living, nourishment and maintenance of shelter; (c) demonstrates behavior, due to mental, emotional, or medical incapacitation, which poses an imminent danger of causing significant property damage, or directly and substantially impedes the lawful activities of others or interferes with the educational process and/or the orderly operation of the University; or (d) fails to comply with requirements to adhere to the instructions and guidelines of the clinical/medical staff of the University Counseling Service, Student Health Center or Howard University Hospital, as a result of an episode of mental or medical crisis intervention.

During the period of Involuntary Administrative Withdrawal, a student may be barred from the campus and denied access to classes and classrooms, residence halls and University events and activities; student may also be denied other privileges to which they might otherwise be entitled and eligible to receive, as the Associate Vice President for Student Affairs may determine to be appropriate. In making this determination, the Associate Vice President for Student Affairs will consult with appropriate University administrators and health care professionals including, but not limited to, the Director of the University Counseling Service, the Medical

Director of the Student Health Center, the Director of the Interpersonal Violence Prevention Program, members of the University's Behavioral Threat Assessment Team and appropriate staff in the Howard University Hospital.

### **3. Timeline of Process for Emergency Action Suspension and Involuntary Administrative Withdrawal**

Howard University will schedule a hearing within thirty (30) calendar days of the student's Emergency Action Suspension or Involuntary Administrative Withdrawal. Once the hearing date has been set, the Associate Vice President for Student Affairs will provide the student with a written notice specifying the reason for the Emergency Action Suspension or Involuntary Administrative Withdrawal as well as the date, time, and place of the hearing. During the hearing, appropriate University personnel may be present and/or consulted. Additionally, parents, spouses and/or any persons who would be of support to the student may, with the express written consent of the Associate Vice President for Student Affairs and the verbal consent of the student, participate in the hearing. As this University hearing is an internal proceeding, attorneys are excluded from appearing at or sitting in the hearing; however, they may accompany their client/the student to the hearing and sit outside in the waiting area until the hearing has concluded.

Prior to the start of the hearing, any student who has been subject to Emergency Action Suspension or Involuntary Administrative Withdrawal must provide medical documentation from a licensed physician to the Associate Vice President for Student Affairs, as stipulated in the Withdrawal Notice. Upon receipt, the hearing will begin. The University will first present the reason for the student's Emergency Action Suspension or Involuntary Administrative Withdrawal, the alleged violations of university policy and evidence supporting these claims. The student will then have an opportunity to respond and present any documentation that may support their response. Finally, if the student has any witnesses they would like to present, the witnesses may provide their statements after the complainant has presented their case. Please note, a complainant must provide the Associate Vice President for Student Affairs with a written list of witnesses within five (5) business days of receiving the notice of hearing. Following witness statements, the hearing will conclude.

The Associate Vice President for Student Affairs will then notify the student of the decision and the basis for the decision, in writing, within ten (10) business days of the hearing. If it is determined that the student does not present a threat to themselves or others, the student will be permitted to return to campus, resume their studies and continue as a student. If the University decides that the Emergency Action Suspension or Involuntary Administrative Withdrawal shall remain in effect, the communication will indicate the minimum length of time this action will remain in effect and what, if any, stipulations govern their return to the University. Such stipulations may include, but are not limited to, providing the University with written documentation from a certified healthcare professional indicating that the student is able to return to the University. In the event it is decided that the Suspension or Withdrawal action remain in effect, the Associate Vice President for Student Affairs and the Behavioral Health Committee shall meet to discuss the student's desired return to the University.

### **4. Process for Appealing an Emergency Action Suspension or Involuntary Administrative Withdrawal**

A student wishing to appeal their continued Emergency Action Suspension or Involuntary Administrative Withdrawal must submit a written letter of appeal to the Vice President for Student Affairs within ten (10) business days of receiving notice of the final hearing decision. The letter of appeal must outline all of the reasons the student is seeking an appeal and the student should also submit any additional accompanying information that may support this appeal request. Upon receipt, the Vice President for Student Affairs will request all documentation presented during the hearing, the hearing report and the hearing outcome, as well as any reports submitted by both internal and/or external healthcare professionals. Please be advised that the Vice President for Student Affairs may also contact the internal and/or external healthcare professionals to obtain their written response to the information provided in the student's letter of appeal, when appropriate.

Additionally, prior to rendering a final decision on the appeal request, the Vice President for Student Affairs or Associate Vice President for Student Affairs may require the student, at their own expense, to obtain a psychiatric/medical evaluation from appropriate medical professionals external to the University; the student will then be required to provide the Vice President for Student Affairs or Associate Vice President for Student Affairs with a written report detailing the medical professional's findings. During the appeals process, the Office of the General Counsel may be consulted for legal advice before the Vice President for Student Affairs or Associate Vice President for Student Affairs render a final decision regarding the appeal request.

Once the Vice President for Student Affairs or Associate Vice President for Student Affairs render a decision regarding the appeal, that decision is final and there shall be no further appeal of the decision.

## **5. Emergency Action Suspension of Students Charged with a Criminal Act**

Depending on the nature of the allegations, a student charged with either a misdemeanor or a felony crime by any local, state, or federal entity may be subject to an Emergency Action Suspension by the Associate Vice President for Student Affairs.

In addition, disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and the *Code*, without regard to any pending civil or criminal litigation and/or criminal arrest and prosecution. Proceedings under this *Code* may be carried out prior to, simultaneously with, or following any civil or criminal proceedings at the sole discretion of the Associate Vice President for Student Affairs. Determinations made and/or sanctions imposed under this *Code* shall not be subject to change simply because the criminal charges that were also violations of the *Code* were dismissed, reduced or resolved in favor of the criminal defendant.

The Emergency Action Suspension of a student charged with a criminal act will occur only in situations where the University determines that the charged student poses a risk of substantial harm to the health, safety or welfare of the student, other individuals or the University Community or where the University must act to prevent the threat of disruption of, or interference with, the normal operations of the University. This individualized assessment shall be based on a comprehensive assessment of the elements of the crime, the nature of the charge and the best available objective evidence. This assessment shall be conducted by the Office of General Counsel and the Behavioral Threat Assessment Team. Emergency Action Suspension review will consider:

- The nature, duration, and severity of the crime;
- The risk of harm the student charged with the criminal act poses to University property and to other members of the University Community;
- The likelihood that the potential harm will occur; and
- Whether reasonable modifications of University policies, practices, or procedures will sufficiently mitigate the risk.

### **A. Timeline of Process for Emergency Action Suspension of Students Charged with a Criminal Act**

Howard University will schedule a hearing within thirty (30) calendar days of the student's Emergency Action Suspension. Once the hearing date has been set, the Associate Vice President for Student Affairs will provide the student with a written notice specifying the reason for the Emergency Action Suspension as well as the date, time, and place of the hearing.

After being duly notified of the scheduled disciplinary hearing, if the charged student is unable to appear due to incarceration or incapacitation, the student may submit a written request to the Associate Vice President for Student Affairs asking that the disciplinary hearing be postponed and rescheduled for a later date when he or she is able to appear, even if that date is after the conclusion of the criminal proceedings. Please note that a student may be suspended or expelled prior to the final resolution of their criminal matter.

At all times, the student has an affirmative duty to notify the University of any status changes in their criminal matter. At a minimum, students are required to provide a written update to the Associate Vice President for Student Affairs every three (3) months. If a student fails to provide such notice or fails to communicate with the University within this time frame, the University will take measures to move for the student's permanent expulsion.

## **B. University Decisions upon Criminal Conviction**

It is the University's policy that a student convicted of a felony shall be immediately expelled from the institution, irrespective of the student's current enrollment status. Once a student is expelled, the decision is final and may not be appealed.

A decision about the continued enrollment of any student convicted of a misdemeanor will be made on a case-by-case basis by the Associate Vice President for Student Affairs. This decision may be appealed to the Vice President for Student Affairs. A student wishing to appeal the decision of the Associate Vice President for Student Affairs must submit a written letter of appeal to the Vice President for Student Affairs within ten (10) business days of receiving notice regarding continued enrollment. The letter of appeal must outline all of the reasons the student is seeking an appeal and the student should submit any additional accompanying information that may support this appeal request. Upon receipt, the Vice President for Student Affairs will request any and all documentation the Associate Vice President for Student Affairs used to render a decision about the student's continued enrollment and review the entire file. During the appeals process, the Office of the General Counsel may be consulted for legal advice before the Vice President for Student Affairs renders a final decision regarding the appeal request. Once the Vice President for Student Affairs renders a decision regarding the appeal, that decision is final and there shall be no further appeal of the decision.