

CSCC Final Recommendation Involuntary Health or Safety Withdrawal Policy

Background:

On December 16, 2016, Steering received a request from Dr. Amy Hecht, Vice President for Student Affairs, to initiate a review of the *Involuntary Health or Safety Withdrawal Policy* in accordance with applicable governance policy and procedures.

The existing policy had been in place since passed by the Board of Trustees on October 6, 2009. Given the amount of time the policy has been in place, it was due for periodic review.

Charge:

On February 3, 2016, the Steering Committee charged CSCC to conduct a review of the Involuntary Health or Safety Withdrawal Policy. In conducting this review, the CSCC worked with Angela Lauer Chong, AVP of Student Affairs, and Jordan Draper, interim Dean of Students and Title IX Coordinator, to review any recommended substantive policy changes. CSCC also sought input from the Office of General Counsel.

The proposed changes by CSCC reflect changes or updates in applicable College policies, case law, legislative or administrative guidance, and best practices. Specific areas for review included recommendations for changes to policy from the Dean of Students and Office of General Counsel:

- Based upon guidance from Office of Civil Rights regarding “risk to self” students to ensure ongoing compliance;
- Based upon best practices in higher education where necessary;
- To remove or revise practices that could expressly or disparately have an impact of creating barriers to self-help seeking behavior;
- To adjust the policy to reflect the evolution of the “Community of Care” approach (i.e. re-define the role and make-up of BART, reflect the creation of the Care Team, revise the role of the Dean of Students, define record keeping practice, etc.
- Clarify the procedural standards to increase understanding by students and parents;
- Integrate the role created for Counseling & Psychological Services and the support consultation service; and
- Clarify the process and any requirements for a student to return to campus after a voluntary leave for any medical reason.

Given that substantive changes to the policy were necessary, the preliminary recommendation was presented to the TCNJ Campus Community for Tier III-level testimony in the form of public fora as well as electronic feedback via Qualtrics.

Section:		
Title:	Involuntary Health or Safety Withdrawal Policy	
Effective Date:		
Approved By:	Board of Trustees	
Responsible Unit:	Division of Student Affairs (609) 771-2201, sa@tcnj.edu	
Related Documents:	Student Conduct Code	
History:		
<u>Version</u>	<u>Date</u>	<u>Notes</u>
1.0		New policy; Initial release

Involuntary Health or Safety Withdrawal Policy

I. Introduction

The purpose of this policy is to describe the criteria and procedural standards for an involuntary health or safety withdrawal (*withdrawal*) of a student from The College of New Jersey. This policy is reserved for those circumstances when other supports and resources have been exhausted, or the risk of harm or impediment to the operations of the College are so significant that an involuntary withdrawal is necessary to preserve the health or safety of an individual student or community, or the educational mission of the College. Separation of a student from the College and its facilities may be necessary if there is sufficient evidence that the student is engaging in or is likely to engage in behavior that either poses a danger to self or others or disrupts the learning environment of others. This policy will be applied in a nondiscriminatory manner, and

decisions will be based on consideration of the student's conduct, actions, and statements and not on knowledge or belief that the student has a disability.

II. Definitions

- A. *Advisor* is a person chosen to accompany the student involved in the involuntary withdrawal process. The Advisor may not participate directly in any proceedings or represent the student involved. Any cost associated with the participation of an Advisor is the responsibility of the student.
- B. *Assistance Plan* is an agreement between the student and the College which outlines resources, supports, and strategies to aid in a student's success.
- C. *Behavior Intervention Team (BIT)* is an interdisciplinary team of administrators who will review any student case under consideration for a withdrawal. Team membership includes, but is not limited to representatives from the Office of the Dean of Students, Records and Registration, Student Conduct and Dispute Resolution Services, Campus Police Services, Counseling and Psychological Services, Residential Education and Housing, and Academic Affairs. A representative from the Office of the General Counsel is included in the team to advise on potential legal matters, but does not serve in a decision-making capacity. The Dean of Students or designee may add members to the team for review of a particular case if circumstances warrant doing so.
- D. *Behavioral Plan* is an agreement between the student and the Dean of Students Office and other appropriate office (including but not limited to Student Conduct, Title IX, or Academic Affairs) which outlines expected behaviors to aid in a student's success.
- E. *Care Report* is an online reporting system that any individual can submit information regarding any type of concern with a student.
- F. *Communication* includes, but is not limited to, contact through the use of the Internet, social networking sites, email, voicemail, text message, written message, and telephone, as well as in person.
- G. *Harm* creates an intimidating or Hostile Environment by substantially interfering with a student's education, or by materially impairing the academic pursuits, employment or participation of any person or group in the College community, or by severely or pervasively causing physical or emotional harm to the student, self, or other member of the College community.
- H. *Hearing Administrator* includes any faculty or professional staff member at the College designated and trained by the Office of Student Conduct to conduct informal or formal administrative hearings.

- I. *Impediment* is an interference with the pedagogy or administrative processes or activities that prohibits the College from delivering teaching, services, or procedures to others.
 - J. *Private Medical Provider (PMP)* is a qualified licensed medical professional.
 - K. *Return to Campus Meeting* occurs after the *support consultation*. The student will meet with the Dean of Students or designee to determine other holistic supports, navigate academic concerns such as missed coursework or deadlines, generate an *assistance plan*, and appropriate case management.
 - L. *Student or Students* includes all persons who accept an offer of admission to the College, register for credit-bearing courses or maintain matriculation in a degree program at the College, either full time or part time, degree or non-degree seeking, and have an academic record with Primary Academic Web Services (PAWS), the College's records and registration system. The status of other individuals who participate in College-sponsored or recognized programs will be determined solely at the discretion of the Dean of Students.
 - M. *Substantial Risk* exists when there is a high probability of significant harm and not just a slightly increased, speculative, or remote risk.
 - N. *Support Consultation* occurs after an interim measures have been applied, and if the student is cleared to return to coursework and residence, the student will meet with the Director of Counseling and Psychological Services or designee to review any mental/emotional health supports and recommend any additional health supports or limitations.
 - O. *Witness* is any individual who can provide additional information related to or on behalf of a student involved in the involuntary withdrawal process.
- III. Policy
- A. A student may be subject to a *withdrawal* if they meet the following criteria:
 - i. If there is a *substantial risk* or evidence of significant *harm* to the health or safety of the student, members of the campus community, and/or others; or
 - ii. If there is a *substantial risk* or evidence of unreasonable *impediment* to the educational process or activity because of apparent medical or mental health issues on the part of the student.
 - B. When evaluating whether a student meets either criteria for a *withdrawal*, the following factors will be considered:
 - i. Nature, duration and severity of *harm* or *impediment*, and/or

- ii. Probability that the *harm* or *impediment* will actually occur¹, and/or
 - iii. Whether accommodations requested by the student (if any) are reasonable and can be provided by the College to reliably and satisfactorily reduce the risk of *harm* or *impediment*.
- C. The *withdrawal* procedures outlined in this policy should not be a substitute for other existing policies or procedures at the College when disciplinary, academic, or other administrative responses are available and the circumstances can best be addressed through existing processes.

IV. Process

A. Initiation of process

- i. Report. Anyone may file a *care report* with the Office of the Dean of Students should they have concerns about the health or safety or potential *harm* to an individual student or other community members or if the behavior of a student rises to the level of *impediment*. A *care report* can be filed online at <https://tcnjcares.tcnj.edu/>. **However, should there be a more urgent concern for anyone's health or safety, a report should be made directly to Campus Police Services by calling 911 or 609.771.2345.**
- ii. Office of the Dean of Students Triage. The office will review each *care report* and determine the appropriate level of review within two business days of submission. Possible actions after review include assisting a student with a voluntary leave of absence, referral to internal and/or external resources, case management services, referral to the Care Team for further support and assistance, or, if warranted, referral to the Dean of Students and BIT should the circumstances demonstrate potential risk of *harm* or *impediment* as described in this policy. For more information about support and services through the Office of the Dean of Students, refer to tcnjcares.tcnj.edu.
- iii. Dean of Students and Behavior Intervention Team Review
 - 1. The Dean of Students and/or BIT will review available information regarding the student and consider the following:
 - a. The credibility of any information received,
 - b. Whether the information received, or anticipated through the *withdrawal* process describes

- circumstances or behavior that could meet the criteria for a *withdrawal*, and/or
- c. Whether existing College administrative responses such as disciplinary, academic, or other processes or supports are appropriate to address the behavior.
2. **Interim Measures.** The Dean of Students will review report information and determine whether any interim measures are appropriate for the safety of the student(s), community members, or others involved. Interim measures may include an interim involuntary withdrawal, no-contact directives, removal from campus housing, removal from academic course(s) or projects, and/or other administrative actions pending a BIT hearing or other resolution to the issue such as an evaluation or voluntary leave of absence. The Dean of Students will make every effort to confer with the BIT before making a determination on interim measures.
 3. **Voluntary Leave of Absence.** A student may decide that they need to take time away from College. Any student who is withdrawing from all courses for any given semester must apply for a Leave of Absence from the College. All students will need to complete the Leave of Absence Form found on the website (<https://recreg.tcnj.edu/student-withdrawal-process/>). After the form is received by the Office of Records & Registration, their Office will start the leave of absence process. Students will receive a confirmation email that the form has been received and processed from the Office of Records & Registration. Any student who does not register for two consecutive regular academic semesters will be discontinued and will have to apply for re-entry to the College.
 4. **Assistance Plan.** After the *support consultation* and *return to campus* meeting, the Dean of Students may permit a student to remain enrolled under conditions specified in an *assistance plan*. An *assistance plan* may include, but is not limited to any of the following:
 - a. Academic advising to review the academic plan and course load (in consultation with the student's academic advisor and/or department chair);
 - b. Change in academic major;

- c. Affiliation with Disability Support Services;
 - d. Compliance with treatment plan recommended by a PMP;
 - e. Compliance with medication regimen recommended by a PMP;
 - f. Compliance with *behavioral plan*; and
 - g. Referral to campus or external resources.
5. *Behavioral Plan*. If the assistance plan is not remediating the behavior than a *behavioral plan* will be developed. A *behavioral plan* may include, but is not limited to any of the following: Compliance with expectations of College's *Code of Student Conduct, Title IX Policy*, and academic policies;
- a. Expectation that student utilizes coping mechanisms that have been set by their PMP's or College counselors;
 - b. Referral to campus or external resources;
 - c. Outline of appropriate resources; and
 - d. Compliance with *assistance plan*.
6. *Interim Involuntary Health or Safety Withdrawal*. If there is reasonable support of a *withdrawal* in lieu of interim measures, the Dean of Students will, whenever possible convene a BIT review to consider application of this policy as outlined in Section C (*Interim Involuntary Process*) below. If interim measures occur prior, BIT will convene to discuss and ratify decisions.

B. Non-Compliance

If a student is not in compliance with the expectations set forth in their meetings with the Dean of Students Office and the following actions may take place:

i. Assistance Plan

1. The Dean of Students Office and/or BIT will review the non-compliant behavior.
2. Student may be required to complete an evaluation through a PMP and/or external counselor.
3. Student may be placed on an interim withdrawal.
4. Behavioral plan may be implemented.

ii. Behavioral Plan

1. The Dean of Students Office and/or BIT will review the non-compliant behavior.
2. Student may be required to complete an evaluation through a PMP and/or external counselor.

3. The student's behavior will be evaluated by the appropriate office and charges related to the violation of expectations will be reviewed.
 4. Student may be placed on an interim withdrawal.
- iii. Interim Involuntary Health & Safety Withdrawal
1. Refer to section C., sub-section i. below for the full process

C. Interim Involuntary Process

The following section outlines in detail the interim measures that can be taken by the Dean of Students Office and/or through a BIT Review.

i. Interim Involuntary Health or Safety Withdrawal

1. A student may be removed from any or all College premises and/or programs pending review and resolution, after consideration of reasonably available information that reflects that a *substantial risk of harm* exists. An interim withdrawal is a preliminary action taken to protect the health and safety of the student and/or others, and is not a penalty nor disciplinary action. Failure to comply with the terms of an interim measure, *assistance plan* or *behavioral plan* may result in further Dean of Students Office and BIT review or progression to an Involuntary Health or Safety Withdrawal.

2. External Evaluation

- a. A student on an interim withdrawal must submit a comprehensive medical/psychological assessment completed by a *private medical provider (PMP)* to aid the College in determining risk to self or others. The PMP may be selected by the Dean of Students at the College's cost. The College retains the right to select the PMP and receive any professional work product generated as part of the evaluation. The Dean of Students Office will submit all relevant information to the PMP.
- b. Under some circumstances, a student may be permitted upon request to the Dean of Students, to secure their own PMP if they are an appropriate fit for the evaluation required by a student's circumstances. If a student is permitted to utilize their own PMP (who is not a family member of the student or has any other relationship with the student that compromises objectivity), the College is not responsible for any

- expense associated with the evaluation. If the student's PMP does not provide sufficient information, the College reserves the right to then utilize the College selected PMP or require the student's PMP to provide additional information.
- c. Guidance for a PMP may include evaluating the following:
 - i. Advisability and risks of the student returning to campus including coursework and residence if relevant;
 - ii. Adjustment to a demanding academic and social environment given any existing supports;
 - iii. Management of emotions and utilization of coping mechanisms;
 - iv. Likelihood for future impulsive or self-destructive behaviors; and/or
 - v. Recommendations for increasing the likelihood of success at the College.
 - d. The PMP's final report should be sent under confidential cover to the Dean of Students or designee for BIT review.
3. **BIT Review.** The BIT will review all reports and determine whether the student should be cleared to return to coursework and/or residence. If the BIT determines that return is not appropriate, application of this policy as outlined in section D for an involuntary withdrawal will commence.
 4. **Support Consultation.** If the student is cleared to return to coursework and residence, the student will meet with the Director of Counseling and Psychological Services or designee to review any mental/emotional health supports and recommend any additional health supports or limitations.
 5. **Return to Campus Meeting.** After the support consultation, the student will meet with the Dean of Students or designee to determine other holistic supports, navigate academic concerns such as missed coursework or deadlines, generate an *assistance plan*, and appropriate case management.
 6. **Assistance Plan.** After the *support consultation* and *return to campus meeting*, the Dean of Students may permit a student to remain enrolled under conditions specified in an *assistance*

plan. An *assistance plan* may include, but is not limited to any of the following:

- a. Academic advising to review the academic plan and course load (in consultation with the student's academic advisor and/or department chair);
- b. Change in academic major;
- c. Affiliation with Disability Support Services;
- d. Compliance with treatment plan recommended by a PMP;
- e. Compliance with medication regimen recommended by a PMP;
- f. Compliance with a behavioral contract; and
- g. Referral to campus or external resources.

7. *Behavioral Plan*. If the assistance plan is not remediating the behavior than a *behavioral plan* will be developed. A *behavioral plan* may include, but is not limited to any of the following: Compliance with expectations of College's *Code of Student Conduct*, *Title IX Policy*, and academic policies;

- a. Expectation that student utilizes coping mechanisms that have been set by their PMP's or College counselors;
 - b. Referral to campus or external resources;
 - c. Outline of appropriate resources; and
 - d. Compliance with *assistance plan*.
- ii. Interim removal from housing. A student may be removed from campus residency pending review and resolution, after consideration of reasonably available information that reflects that a substantial risk of *harm* exists. This is a preliminary action taken to protect the health and safety of the student or others, and is not a penalty nor disciplinary action.
 - iii. Interim removal from courses. A student may be removed from one or more academic courses pending review and resolution, after consideration of reasonably available information that indicates a substantial risk of *harm*. This is a preliminary action taken to protect the health and safety of the student or others, and is not a penalty nor disciplinary action.
 - iv. Interim No-Contact Directive. A student may be given notice that they must not have physical contact with or proximity to, or direct verbal, electronic, written, and/or indirect third-party *communication* with another individual.

D. Involuntary Withdrawal

- i. The Dean of Students and BIT may determine whether a hearing is warranted if any of the following circumstances exist:
 1. After a review of available information, the BIT determines that there is *substantial risk* or evidence of unreasonable *impediment* to the educational process or activity because of apparent medical or mental health issues of the student.
 2. After review of an external evaluation, the BIT determines that a *substantial risk* or evidence of significant *harm* to the health or safety of the student, members of the campus community, and/or others exists.
 3. After the Dean of Students exercises reasonable efforts to meet with a student, the student fails to meet or communicate with the Dean of Students, does not meet expectations set forth in the *assistance plan* and/or *behavioral plan*, refuses to undergo an external assessment, does not provide required information or documentation as outlined in this policy, and/or fails to complete the return to campus procedures.
- ii. Administrative Hearing.
 1. If any of the circumstances above exist, the College will afford an opportunity for an administrative hearing to determine whether to apply an involuntary withdrawal.
 2. Procedural standards.
 - a. Hearing Administrator. A College administrator who has not been a part of any previous review of the matter will conduct the hearing and determine whether an involuntary withdrawal is warranted based on information provided in the hearing by the Dean of Students.
 - b. Witnesses. The Dean of Students may invite members of the BIT or others to the hearing to provide relevant information for evaluation. The student may invite *witnesses*, *PMP*, or others to the hearing to present information.
 - c. Advisor(s). The student may be assisted by an *advisor* of their choice, at their expense. A representative from the College's Office of the General Counsel may also be present at the hearing. All individuals are responsible for presenting their own information; therefore *advisors*

are not permitted to speak or to participate directly in the hearing. A student should select as an *advisor* a person whose schedule allows attendance at the scheduled date and time for the hearing as delays will not normally be allowed due to the scheduling conflicts of an *advisor*.

- d. Questions. The student and the Dean of Students may pose questions to any party providing information through the hearing administrator conducting the hearing. The administrator has the discretion to prohibit inappropriate questions or limit questions based on redundancy or relevancy.
- e. Additional Information. Relevant records, exhibits and written statements may be accepted as information for consideration at the discretion of the administrator.
- f. Decline to provide information. The student may decline to provide any written or oral statements, answer questions posed, or provide any information on their behalf. However, the administrator may draw an adverse inference from the absence of information or refusal to answer questions.
- g. Basis for decision. The administrator's determination shall be made on the basis of whether it is *more likely than not* that the student poses a substantial risk of *harm* to the health or safety of the student, members of the campus community, and/or others; or an unreasonable *impediment* to the educational process or activity. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in this process.
- h. Hearing recorded. There will be a single record, such as a digital audio recording of the hearing. The record will be the property of the College.
- i. Decision in absentia. If a student, with notice, does not appear for the hearing, the administrator may postpone the hearing or hear the information in support of the involuntary withdrawal in the student's absence and make a decision on the available information.

- j. Differing abilities accommodation. The administrator will provide any reasonable accommodation for hearing participants who have a disability and are registered with or notify the Office of Disability Services and the Office of the Dean of Students in a timely manner.
 - k. Decision. The administrator will notify the student of the outcome of the hearing, including any conditions for readmission, in writing, within five business days of the hearing.
 - 3. Outcome of Hearing
 - a. Involuntary applied. If the involuntary has been reaffirmed by the hearing administrator then the student would have the opportunity to appeal the decision to the Vice President of Student Affairs, outlined below.
 - b. Involuntary not applied with recommendations provided by the hearing officer. The hearing administrator may determine that the student does not pose a *substantial risk of harm* to the health of safety of the student, members of the community, and/or others. The hearing administrator will lift the involuntary withdrawal but will provide recommendations that the student needs to follow. The student would have the opportunity to appeal the decision to the Vice President of Student Affairs, outlined below.
 - c. Involuntary not applied. The hearing administrator determines that the student does not pose a *substantial risk of harm* to the health of safety of the student, members of the community, and/or others. The student resumes all activities on-campus.
- iii. Appeal
 - 1. A student is afforded one single opportunity to appeal a decision by the administrator as a result of a hearing. A decision for withdrawal or condition for readmission issued may be appealed by the student to the Vice President for Student Affairs within five business days of written notification of the decision and conditions for readmission. Appeals must be reviewed by the Vice President within five business days of receipt of the appeal and any decision is final.

2. Required format. All appeals must be in writing and will be limited to a review of the verbatim record of the hearing and supporting documents. Appeals may be submitted for review for one or more of the following purposes:
 - a. Process review. To determine whether the Involuntary Health or Safety Withdrawal process was conducted in accordance to stated policies and procedures. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.
 - b. Information review. To determine whether there was information presented in the hearing that, if credible, was sufficient to establish that an involuntary withdrawal for health or safety reasons was appropriate.
 - c. Readmission conditions review. To determine whether the condition(s) imposed were appropriate.
 - d. New information. To determine whether new information sufficient to alter a decision or other relevant facts not brought out in the original hearing or BIT review because such information was not known or available at the time.
 3. Appeal decision. The Vice President for Student Affairs may make one of the following decisions:
 - a. Require a new hearing be conducted by the Dean of Students or other administrator designated by the Vice President.
 - b. Uphold the withdrawal.
 - c. Reinstate the student.
 - d. Revise readmission criteria.
- E. Returning/Readmission after Involuntary Withdrawal
- i. A student who has been withdrawn under this policy (voluntarily or involuntarily) will have a hold placed on their registration requiring the student to meet with the Dean of Students before returning to classes or applying for readmission.
 - ii. A student should provide appropriate documentation of compliance with any conditions of returning/readmission to the Dean of Students for review by the BIT. Any undergraduate student who does not

register for two consecutive regular academic semesters will be discontinued and will have to apply for re-entry to the College.

- iii. In addition to the information that the reapplying student submits, the Dean of Students may require the student to undergo an evaluation by a licensed health professional who is not a family member of the student or has any other relationship with the student that compromises objectivity and who has been approved by the DOS.
- iv. Factors the DOS may consider when making a decision regarding readmission include, but are not limited to the following:
 - 1. The nature and severity of the risk or evidence of substantial *harm or impediment* for which the student either voluntarily withdrew or was administratively withdrawn;
 - 2. The student's overall academic and education record while previously enrolled;
 - 3. The conduct's impact on self or others, if any, within or outside the community;
 - 4. The input of any healthcare professionals with whom the student has consulted (if the College needs additional input from an outside PMP it would be at the college's expense);
 - 5. The amount of time between the written request and the original withdrawal;
 - 6. Whether the student has pursued other higher education during the period between the involuntary withdrawal and the request to re-enroll, and if so, the student's academic and education record at any other college or university;
 - 7. The student's activities and any criminal record as a non-student during the period of involuntary withdrawal;
 - 8. Other authorized information the DOS deems relevant.

V. Additional Procedures & Options

- A. **Voluntary Leave of Absence.** A student may decide that they need to take time away from College. Any student who is withdrawing from all courses for any given semester must apply for a Leave of Absence from the College. All students will need to complete the Leave of Absence Form found on the website (<https://recreg.tcnj.edu/student-withdrawal-process/>). After the form is received by the Office of Records & Registration, their Office will start the leave of absence process. Students will receive a confirmation email that the form has been received and processed from the Office of Records & Registration. Any undergraduate student who does not register for two

consecutive regular academic semesters will be discontinued and will have to apply for re-entry to the College.

- B. Voluntary LOA in the Middle of the Process.
 - i. Prior to the end of the 9th week of the semester a student would follow the above Voluntary Leave of Absence.
 - ii. After the end of the 9th week of the semester the student would need to work with the DOS office for retro-active withdrawals.
- C. Retroactive Withdrawals. For students who did not withdraw in accordance with the dates listed in the TCNJ academic calendar, may qualify for a retroactive withdrawal if experiencing serious health or other concerns. A retroactive withdrawal would replace all grades for that semester with a “W” on a student’s official transcript. In order to appeal the grades for a semester and apply for a retroactive withdrawal a student must meet with the Dean of Students Office, the staff will review the materials needed for a retroactive withdrawal. A student will need to submit all materials which may include: request of appeal, timeline of events, documentation to support request, and other materials as needed, to the Dean of Students Office at least five business days in advance of the next BIT meeting. The BIT members will then review, discuss, and vote on the information packet to determine whether to approve or deny the appeal. A student will be informed of the BIT decision within five business days of the determination.
- D. Tuition Credits. Students who did not withdraw in accordance with the dates listed in the TCNJ academic calendar and left the College during the middle of a semester may qualify for a presidential tuition credit for serious health or other concerns. A tuition credit would refund student tuition either 100%, 75%, or 50% for the semester in which they withdrew. In order to apply for the tuition credit a student must meet with the Dean of Students Office, the staff will review the materials; which may include request of appeal, timeline of events, documentation to support request, previous requests, and other materials as needed, for this process. A student will need to submit all materials to the Dean of Students Office at least five business days in advance of the next BIT meeting. The BIT members will then review, discuss, and vote on the information packet to determine whether to approve or deny the tuition credit and then determine the level of refund and any financial concerns or repercussions for the student. If a student is denied, they will be informed of the BIT decision within five business days of the determination. If a student is approved for a refund then the tuition credit would be submitted to the President for final approval. If the refund is approved, the President will send all necessary information to Student Finance and a

refund will be placed on the student's account. The student will also receive a letter confirming the refund from the Dean of Students Office.

VI. Record Keeping Policy

- A. File maintenance. Any reports and records regarding a student who has referred to the Office of the Dean of Students for support, interim measures, and/or application of this policy has a file created and maintained by the Office of the Dean of Students. Files are maintained for five years after the date the student separates from the College; however, files of students who have been involuntarily withdrawn are maintained indefinitely.
- B. Confidentiality. The federal Family Educational Rights and Privacy Act of 1974 (FERPA) protects a student's education records, including records in the Office of the Dean of Students, from unauthorized disclosure to third parties. A student must sign a waiver to grant access to their record before the College will disclose information protected by FERPA contained in the student's records. These confidentiality requirements apply to student's parents or guardians with the exception of a health or safety emergency, or if the student is financially dependent on the parents or guardians. Federal law makes exceptions in these cases and does allow the College to share information with specific persons.
- C. Inspection. Students may request to inspect or view their records in accordance with FERPA. To do so, a student should make an appointment with the Dean of Students. Records are not immediately available to students because they must first be reviewed for confidential information regarding others, and thus may need to be redacted. Upon request, the Office of the Dean of Students will provide students with copies of redacted incident reports, letters, and any forms or receipts in the student's file. Students may make arrangements to review any recording as an element of their education record by making arrangements with the Office of the Dean of Students. However, copies or transcripts of any recording will not be provided.