

# McLennan Community College

## POLICIES AND PROCEDURES

Reference:	G-XXXIII	Effective Date	01/15/2021
Subject:	Involuntary Leave Policy		
Source:	President		
Approval Authority:	President	Approval Date	01/15/2021
History:	Previously effective 10/27/2014, replaced policy dated 07/31/2013		
Remarks:	01/15/2021		

### PURPOSE

The purpose of this policy is to provide an orderly process for handling issues which arise when a student, because of mental/ emotional health conditions, poses a serious danger of imminent or physical harm to others on the McLennan Community College (MCC) campus. This policy is in addition to and not in lieu of the *General Conduct Policy*. The administration may proceed under either or both policies if the circumstances warrant such action.

The process initiated under this policy may culminate in the involuntary withdrawal from the College of any student whose behavior creates a threatening atmosphere or who disrupts the learning environment. The Chief of Staff for Diversity, Equity & Inclusion, upon appropriate notification and consultation with the designated CARE team shall take the appropriate steps to remove a student from the college community.

### PROCESS

- I. Grounds for Removal: A CARE team member or another college agent acting in accordance with her/his duties may recommend to the Chief of Staff for Diversity, Equity & Inclusion that, in accordance with the Texas Education Code, the student have her/his consent to be in attendance at the College withdrawn, if in the judgment of the Chief of Staff for Diversity, Equity & Inclusion or the CARE team member it is determined that:
  - a. The Student has willfully disrupted the orderly operation of the premises;
  - Or
  - b. The Student's presence on the campus or facility will constitute a substantial and material threat to the orderly operation of the premises.
- II. The Chief of Staff for Diversity, Equity & Inclusion-reserves the right to impose an immediate and interim leave prior to the review of all information, if she/he concludes that the student poses a direct threat to the welfare of an individual (other

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than self), the student body, or any part of the College or its community. The Chief of Staff for Diversity, Equity & Inclusion will place the student on interim leave if she/he concludes, upon the preponderance of evidence, that the student engages in or threatens to engage in behavior which poses a significant danger of causing harm to others, or substantially impedes or disrupts the lawful activities of other campus community members.

- III. The Chief of Staff for Diversity, Equity & Inclusion will convene the CARE Team within five (5) business days to determine the status of the interim leave.
- IV. Although the student may present the results of a professional assessment to document the student's emotional/mental health, the student is not required to do so.
  - a. If the student elects to present a professional opinion, it will be the student's choice and at the student's expense.
  - b. If, and only if, the student elects to present a professional opinion, then the student must give written consent for release of personal health information. Failure to sign the form will result in the loss of consideration of the student's professional assessment.
- V. The proceeding before the CARE Team will be in closed session. At the conclusion of this proceeding, the committee shall make a recommendation to the Chief of Staff for Diversity, Equity & Inclusion whether to place the student on leave, reinstate the student, or reinstate the student with conditions.
- VI. The Chief of Staff for Diversity, Equity & Inclusion will make a final decision regarding the student's enrollment status and notify the student in writing within 24 hours of the CARE Team recommendation.
- VII. A student subject to involuntary leave or who is only entitled to attend MCC under conditions established by the Chief of Staff for Diversity, Equity & Inclusion is entitled to the following:
  - a. Notice of intent to remove the student pursuant to this policy stating the reason for the action.
  - b. The opportunity to examine the psychiatric or other evaluations provided to the committee and to discuss them. The opportunity to present relevant information for consideration of her/his case personally or by a health professional working with that student.

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- c. The opportunity to have an advisor/legal counsel of the student's own choice and at her/his expense to accompany the student.
- d. The right to appeal.

VIII. In the event a student disagrees with the decision of the Chief of Staff for Diversity, Equity & Inclusion and the CARE Team, the student may appeal the finding to the President. The appeal must be made in writing to the President of the College within five (5) business days after receiving notification that she/he was placed on involuntary leave. The President has five (5) business days after receiving the appeal to review the case and render a decision. The President shall sustain the initial decision or remand the case to the CARE Team for reconsideration. Should the President remand the case to the CARE Team for reconsideration, the CARE Team has five (5) business days to review the case and render a recommendation to the President. The President, upon receipt of the CARE Team's final decision, has five (5) business days to approve, modify, or reject the original decision.

A case heard by the President may be appealed to the Board of Trustees. Appeals to the Board shall be based upon the record of the proceedings before the CARE Team, unless the Board, after notice to the student, decides to hear witnesses. Decisions by the Board of Trustees will be final. The Board of Trustees may approve, modify, or reject the original decision.

- IX. Once the determination to remove the student from campus is affirmed by the campus officials, the student may no longer attend classes, be an active member of a registered Student Organization, nor use college facilities, and must vacate any college owned or leased property. The student may be entitled to whatever refunds of tuition and fees as would be appropriate given the timing of the leave. The Advising Specialist will provide the student written notification of the decision, using the written notification procedure as outlined in Policy E-VIII article VIII section D., within five (5) business days.
- X. Any student who is involuntarily placed on leave from MCC may have a hold placed on her/his records which will remain in place until involuntary leave status has been completed.
- XI. Should readmission questions arise, standard MCC readmissions policies shall apply.
- XII. A student who is not involuntarily placed on leave may be subject to conditions to continue enrollment at the College. In such cases, the student will be provided with a written summary of conditions and must meet all conditions in order to maintain student status. A student who fails to meet such conditions will be subject to

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involuntary leave by the Chief of Staff for Diversity, Equity & Inclusion or will be subject to disciplinary action through the College's General Conduct Policy for failure to comply.