

## 4.2 POLICY OVERVIEW AND APPLICABILITY

The Behavioral Concerns Policy provides the University's process for responding to and assisting Students experiencing acute or chronic socio-emotional and/or psychological issues that impede or interfere with their ability to learn and be successful in the University community and provides the mechanisms by which such a Student may continue toward the completion of their academic goals, if not immediately, in the future.

In cases in which a Student's behavior has been determined to pose a safety risk to themselves or other community members, the Vice President for Student Development, or designee, reserves the right to take immediate, necessary, and appropriate action to protect the health, safety, and well-being of an individual and/or the University community (see Interim Suspension, 2.9).

If a Student poses a safety risk to the health or safety of themselves, others, or the community, or when it is determined that their behavior constitutes a high probability of substantial harm, the significance of risk may be determined by the following criteria:

- the duration of the risk;
- the nature and severity of the potential harm;
- the likelihood that potential harm will occur; and,
- the imminence of the potential harm.

The University will first determine whether reasonable accommodations to policies, practices, and procedures will sufficiently mitigate the risk, unless those reasonable accommodations would cause undue hardship for the University.

### 1. Referrals and Reporting a Student in Distress

Members of the University Community (Students, faculty, staff, parents/families, alums, etc.) may refer a Student of concern or report an incident involving a Student's distressed or disruptive behavior to the Dean of Students Office. Community members are also encouraged to refer a distressed Student to the University Counseling Center, Disability Services<sup>[MOUT]</sup>, Student Health Center, and/or any other resources on campus for a consultation when they observe early warning signs of concern. In these cases, community members should still report this behavior and the referrals to the Dean of Students Office. Reports and referrals will be forwarded to the BCC for review and/or evaluation.

### 2. Behavioral Concerns Committee (BCC)

The mission of the University's Behavioral Concerns Committee (BCC) is to promote student success and campus safety by identifying Students in distress to determine the appropriate University response. The focus of SLU's Behavioral Concerns Committee is care and concern for students who may be in distress. The BCC identifies Students in distress by reviewing cases in which a Student has displayed behavior that poses a risk to themselves or others in the University community, or that demonstrates a pattern of behavior that disrupts or impedes their personal and academic success. BCC members seek to implement a coordinated response with resources and assistance to Students in distress, while mitigating risk in an effort to keep the SLU community healthy and safe. The BCC consists of staff representatives who work with the Student to develop an intentional intervention that will best support their individual needs as well as balance the needs of the University community. Examples

of situations which may be referred to the BCC include, but are not limited to

1. a history of drug or alcohol abuse,
  2. suicidal ideation/attempts,
  3. disordered patterns of eating, cutting and self-mutilation,
  4. inadequate management of psychological or medical conditions, and
  5. unmanaged trauma as a result of sexual or physical assault.
3. BCC Review

The Dean of Students, or designee, presents cases that have been referred or reported by a member of the University Community to the BCC for initial review. The BCC meets weekly to determine strategies of care for Students alleged to pose a safety risk to themselves or others in the University community. If a clinical evaluation is deemed appropriate and has not yet been provided or determined, the BCC may refer a Student for a clinical assessment or evaluation.

#### A. Student Referral for Clinical Assessment or Evaluation

The Dean of Students Office or appropriate official may refer or mandate a Student for evaluation by a campus or independent licensed psychiatrist, psychologist or licensed counselor or social worker chosen or approved by the University Counseling Center Director, or designee, at the Student's expense. Such evaluation may be appropriate if it is believed that the Student may meet the criteria set forth in this Policy. A Student may be subject to a mandatory and involuntary clinical assessment or evaluation based upon the following criteria:

1. The Student provides information or exhibits behavior indicating they are in distress and the distress is having an impact on the Student's behavior, personal well-being, or ability to function as a productive member of the University community; or
2. The Student is involved in the University's community standards process and information was reported or observed indicating that a mental health evaluation or Alcohol and Other Drug Abuse (AODA) evaluation is appropriate.

A Student who fails to complete a mandated or involuntary clinical assessment or evaluation may be referred for a community standards violation of "Failure to Comply," under the *Community Standards* outlined in the *Student Handbook*.

Students referred or mandated for a clinical assessment or evaluation will be informed via letter provided in person, by certified mail, or by University email. The clinical evaluation must be completed per the direction in the referral letter, unless the Dean of Students Office (or designee) or Hearing Officer/Decision Maker within the Office of Student Responsibility and Community Standards grants an extension. A student who fails to complete the clinical evaluation in accordance with the referral letter guidelines and/or who fails to give permission for the results to be shared with appropriate administrators, may be referred for a community standards violation of "Failure to Comply," under the *Community Standards* outlined in the *Student Handbook*.

#### B. BCC Case Review – Non-Threat to Self or Others

If, after the case review, the BCC concludes that the Student does not pose a safety risk, but should complete recommendations intended to assist the Student in managing their behavior, the Dean of Students Office will reach out to meet with the Student and provide relevant resources and services on campus, and assist the Student in establishing communication with various

sources of assistance and support, including parents and/or legal guardians (consistent with Community Standards, 2.12 Family Notification), to help ensure their personal well-being and academic success.

**C. BCC Case Review – Student Risk to Self**

If, after the case review, the BCC concludes that the Student poses a safety risk to themselves, the BCC must first determine whether reasonable accommodations to policies, practices, and procedures will sufficiently mitigate the risk, unless those reasonable accommodations would cause undue hardship for the University. If it is determined that reasonable accommodations can be provided, the Dean of Students Office will make outreach to the Student to set up a required meeting, which may result in referral to resources, referral to a clinical evaluation and/or assessment, parental notification (only in cases of imminent threat), etc. At any time, the Student may elect to apply for a Voluntary Leave of Absence (see Section 4.2.4 below). A Student who fails to substantively engage in this process, or follow up and comply with the agreed upon recommendations may be referred for a community standards violation of “Failure to Comply,” under the *Community Standards* outlined in the *Student Handbook*.

**D. BCC Case Review – Student Threat to Others, or Community**

When the BCC determines, based upon all available information, that a Student poses a safety risk to others or the community, the Dean of Students Office, along with the Threat Assessment Team (comprised of members from various campus offices), will conduct an assessment of threat and determine appropriate interventions, guided by the National Behavioral Intervention Team Association’s (NaBITA) guidelines of *Identify, Assess, and Manage*. The Threat Assessment Team also utilizes recommended assessment tools (e.g., SIVRA-35) as appropriate. Interventions include, but are not limited to an Involuntary Leave of Absence (see Section 4.2.5). At any time, the Student may elect to apply for a Voluntary Leave of Absence (see Section 4.2.4). If the student has violated other Community Standards, the Dean of Students Office will work with the Office of Student Responsibility and Community Standards to expedite the appropriate course of action, in consideration of the *Community Standards* outlined in the *Student Handbook*, for the safety of the individual Student, all Students, and the University community.

**4. Voluntary Leave of Absence**

A Student may elect to apply for a Voluntary Leave of Absence for personal or medical reasons. Students should be sure to follow the Leave of Absence process. If a Voluntary Leave of Absence is being requested for medical reasons, medical documentation must include the duration of the leave; however, options for extending the leave may be considered. If a Student requests a Voluntary Leave of Absence, the Dean of Students Office will serve as a resource to the Student by assisting the Student in connecting with on campus academic and support offices, including but not limited to the Student Health Center, University Counseling Center, Housing and Residence Life, the appropriate academic dean’s office, academic advisor, Registrar, and Student Financial Services. The Student is encouraged to maintain contact with the Dean of Students Office while on Voluntary Leave, and is permitted when necessary, to visit the campus to fulfill University obligations. The Student is permitted to return upon the end of the leave. If the Voluntary Leave of Absence was for medical reasons, the Student may be required to submit medical documentation confirming approval to return to the University setting, along with any conditions necessary for a healthy

return. This medical release may be dispensed for review to help ensure continued progress at the University.

**5. Administrative BCC Review for Involuntary Leave of Absence**

See University Policy 1.25 for more information.

**A. Involuntary Leave of Absence Determination.**

The Dean of Students Office, in consultation with the BCC will conduct a review for an Involuntary Leave of Absence if it is determined by the BCC that a Student poses a safety risk to others or the community. Risk is determined by using the National Behavioral Intervention Team Association’s (NaBITA) Risk Rubric. In this process, administrative evidence (e.g., information gathered during BCC case review), will be reviewed and a recommendation will be made to the Vice President for Student Development (or their designee). If the administrative evidence and/or clinical assessment/evaluation support the need for an Involuntary Leave of Absence, the Vice President or designee will render a decision. At any time, the Student may elect to apply for a Voluntary Leave of Absence (see Section 4.2.4 above). If the determination is made that a leave is warranted, notification will include information regarding a framework with conditions for leave, duration of leave, and conditions for re-enrollment. If other actions are pending, including but not limited to violations of community standards or academic policies, appropriate University officials will be notified immediately.

The Dean of Students Office may also review a case for an Involuntary Leave of Absence for any Student reviewed by the BCC in accordance with Section 4.2.3, for whom it was determined pose a safety risk to themselves and fail to substantively follow or comply with the agreed upon recommendations. In addition, Students who are required to have a clinical assessment/evaluation in accordance with Section 4.2.3(A), but fail to complete the evaluation as required may also be reviewed for an Involuntary Leave of Absence.

**B. Appeal Process**

A Student may appeal an Involuntary Leave of Absence determination made by the Dean of Students Office to the Vice President for Student Development by filling out an Appeal Form ([https://cm.maxient.com/reportingform.php?SaintLouisUniv&layout\\_id=1](https://cm.maxient.com/reportingform.php?SaintLouisUniv&layout_id=1)). The appeal shall consist of a plain, concise and complete written statement outlining the basis for appeal and all relevant information to substantiate the grounds.<sup>[MOU2]</sup>

**C. Refunds**

Tuition, financial aid, and housing costs may be refunded in accordance with standard University Policy. The same arrangements for refunds of tuition or other costs may be available to a Student who takes a Leave of Absence for documented clinical determination and/or diagnosis, whether voluntary or involuntary.

**D. Returning from a Leave of Absence**

Reinstatement as an enrolled Student following either a Voluntary or Involuntary Leave of Absence normally requires a certification from the Student’s treatment provider which satisfies the University that the Student’s behavior is compatible with the academic and community standards of the University. In general, an opinion from the Student’s treating clinical professional that the Student is fit to return is sufficient. In exceptional cases, Saint Louis University may require the Student to undergo an independent clinical assessment or evaluation.

In evaluating a Student’s request to return to the University, the BCC may recommend to the Vice President for Student Development, or designee, that a Student shall be required to comply with a set

of reinstatement conditions set out for the Student in a written agreement. A Student's request to return may be denied only if upon the BCC's recommendation, the Vice President for Student Development, or designee, finds that the Student will not be able, upon return, to meet academic standards with reasonable accommodation(s) or be safely at the school even when appropriately utilizing available support services both on and off campus. The Vice President of Student Development in consultation with the BCC may impose additional conditions for compliance upon the Student's return.

**E. Alternative Housing While Enrolled**

If a Student does not meet the standard for imposition of an Involuntary Leave of Absence, but cannot safely remain in Saint Louis University Housing, Saint Louis University may require the Student to live in housing other than Saint Louis University Housing while enrolled.

Recommendations about whether to require a Student to move out of Saint Louis University Housing will be made by the BCC to the Vice President for Student Development, or designee. A campus housing restriction may also prevent a Student from entering Saint Louis University Housing - for example, to visit friends - so as to prevent disruption to the residence community.

**F. Conduct Proceedings**

Students charged with conduct violations may be afforded the following accommodations by the BCC and the Office of Student Responsibility and Community Standards:

- If the Student takes a Voluntary Leave of Absence for a documented clinical determination or diagnosis, conduct proceedings may be suspended until the Student returns.
- If Saint Louis University is considering whether to require the Student to take an Involuntary Leave of Absence or to move out of Saint Louis University housing, conduct proceedings may be suspended while the decision is being made.
- If a Student is placed on an Involuntary Leave of Absence, the case may remain suspended until the Student returns.

Responsibility and Community Standards to review their disciplinary record. Students requesting a release of information to a third party (graduate school, employer, etc.), will only receive information from the file on incidents where the Student either accepted responsibility or was found responsible in a hearing/appeal process. Disciplinary records for Students found responsible for violating University Policy and/or Community Standards, with sanctions less than suspension or expulsion, will generally be maintained for seven years (7) from the date of an incident, after which they are destroyed. Records of cases in which suspension or expulsion from the University occur, are kept indefinitely. As a part of FERPA all disciplinary records are confidential and may not be disclosed in whole or in part except as provided by law or by the written authorization of the Student, under legal compulsion, or where the safety of other persons may be involved. Disciplinary records are maintained separate from the Student's academic record, but are part of the Student's educational record.

**10. Disciplinary Records**

In accordance with the Family Educational Rights and Privacy Act (FERPA), disciplinary records are considered a part of a Student's education record. A Student's disciplinary record consists of those incidents in which a Student was alleged to have violated a University Policy and/or the University Community Standards and either took responsibility or was found responsible for the violation(s).

Any charge for which a Student is found not responsible does not become part of a Student's disciplinary record. In situations involving both an Accused (or a Student Organization) and a Student claiming to be the victim of another Student's actions, the records of the process and of the sanctions imposed, if any, will be considered to be the education records of both the Accused(s) and the Student(s) issuing the complaint because the educational career and chances of success in the academic community of each may be impacted.

To receive information in a Student's file, the Student must submit a signed request in-person or if in writing, along with a copy of a picture ID, to the Office of Student Responsibility and Community Standards. The request should describe specifically what should be released and to whom. Students requesting a copy of their file for their own personal records may come to the Office of Student