

Utah Tech University Policy

556: Student Safety Intervention and Risk Assessment



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I. Purpose

- 1.1 Policy 556: Student Safety Intervention and Risk Assessment establishes a process for safety intervention and involuntary withdrawal of students who pose a credible, substantial risk of harm to individuals within Utah Tech University (“the University”), or to the University Community, or who substantially impede the lawful activities, educational process, or proper activities or functions of other members of the University Community.

II. Scope

- 2.1 Policy 556 applies to all Utah Tech students.
- 2.2 Policy 556 applies to behavior that occurs on University premises (whether owned or leased) and at all University-sponsored programs and activities. It also applies to off-campus behavior that adversely affects any member of the University Community's health, safety, or welfare, or any action that poses a threat to persons or property, or any other conduct that may damage the University's reputation or relationship with the greater community (including behavior occurring in a foreign country, in another state, and behavior at all University activities, regardless of location).
- 2.3 Policy 556 applies to behavior conducted online, via email, or via any other electronic medium. Students should be aware that online postings such as blogs, web postings, chats, and social networking sites are in the public sphere, are not private, and may be used in consideration of a student safety intervention and/or involuntary withdrawal.

III. Definitions

- 3.1 **CARE Team:** The Campus Assessment, Response, and Evaluation Team provides assistance to the University Community by engaging in proactive and collaborative approaches to help identify, assess, and find solutions to distressing, disturbing, disruptive, and potentially dangerous behaviors that impact the safety or well-being of the University Community or any of its members. The CARE Team is a multidisciplinary group of University personnel representing a variety of University departments with training and experience in law enforcement, threat assessment, medical and mental health evaluation, human resources, University operations, conflict resolution, and Student Affairs. Other University employees may be invited to participate or consult with the CARE Team as needed. The CARE Team is responsible for determining whether a reported concern should be referred to the Dean of Students, or Designee, or to another CARE Team member for follow-up.
- 3.2 **Dean of Students:** A Student Affairs administrator assigned to oversee the Student Conduct Code.
- 3.3 **Designee:** A University official authorized by the Dean of Students to investigate an alleged Student Conduct Code violation, facilitate the Student Conduct Process, determine whether a student or Student Group has violated the Student Conduct Code, and to impose sanctions for such violation(s).
- 3.4 **Interim Safety Intervention:** A preliminary action taken to protect the health and safety of the University Community. An Interim Safety Intervention is not a penalty.
- 3.5 **Involuntary Withdrawal:** The removal of a student from University property, University activities, services, or programs.
- 3.6 **University Community:** All students enrolled in classes at the University, whether or not for credit; all individuals employed by the University in any capacity; and those individuals lawfully present on University Premises or attending a University Activity.
- 3.6.1 A member of the University Community includes, but is not limited to, any individual who is a University student, employee, contractor or vendor, affiliate or volunteer, or guest of the University. Guests include, but are not limited to, event attendees, participants in University-sponsored cocurricular or auxiliary programs, visitors, and customers. For purposes of this policy, the determination of whether an individual is a member of the University Community is

decided by the Dean of Students or their Designee.

IV. Policy

4.1 Criteria for Safety Intervention and Risk Assessment

4.1.1 The Safety Intervention and Risk Assessment procedures described below establish a fact-based analytical process for intervening with and assessing the risk presented by students who:

4.1.1.1 Pose a credible, substantial risk of harm to individuals within the University or to the University Community as a whole; or

4.1.1.2 Substantially impede the lawful activities, the educational process, or the proper activities or functions of other members of the University Community.

4.1.2 Student conduct, academic, or other proceedings may continue even when a student is subject to an intervention or involuntary withdrawal pursuant to this protocol.

4.2 Interim Safety Intervention or Involuntary Withdrawal

4.2.1 In the event of a credible substantial risk, the University is permitted to take interim action, including contacting the University and/or local police, to protect the well-being of all members of the University Community. Through interim involuntary withdrawal, the University may remove a student from University Premises when the Dean of Students, or Designee, in their professional judgment considering all reasonably available information, determines there to be a credible and substantial threat of immediate harm to an individual or the University Community. Interim involuntary withdrawal is a preliminary action taken to protect the health and safety of the University Community and is not a disciplinary measure.

4.2.2 Within ten (10) business days from the effective date of the student's interim involuntary withdrawal, the student may appear before the Dean of Students, or Designee, to discuss the reliability of the information concerning the student's behavior. Following this meeting, the Dean of Students, or Designee, may either continue or cancel the interim involuntary withdrawal. Even when an interim involuntary withdrawal is canceled, the procedures outlined in the "Safety Intervention and Involuntary Withdrawal Process" section may still proceed as warranted. An interim involuntary withdrawal

may remain in effect until a final decision is made pursuant to the procedures outlined in this protocol.

4.3 CARE Team

- 4.3.1 The Utah Tech Campus Assessment, Response, and Evaluation (CARE) Team assists in evaluating whether a student meets the criteria for safety intervention and/or involuntary withdrawal.

V. References

- 5.1 University Policy 552: Student Conduct Code

VI. Procedures

6.1 Safety Intervention and Involuntary Withdrawal Process

- 6.1.1 Any member of the University Community who has reason to believe that a student poses a credible substantial risk of harm to public safety should contact the University police or the local police department; and any member of the University Community who has reason to believe that a student poses a credible substantial risk of harm to the University Community, and thus may meet the criteria for safety intervention and/or involuntary withdrawal, may contact the Dean of Students, or Designee, who will conduct an informal review of the information reported. All reports made pursuant to this protocol will be handled in a confidential manner, with information released only on a need-to-know basis in accordance with applicable federal and state laws and regulations.
- 6.1.2 Upon completion of the informal review, the Dean of Students, or Designee, may recommend that a student be subject to a safety intervention or involuntary withdrawal for reasons under the criteria set forth above.
- 6.1.3 In determining whether the student presents a credible substantial risk of harm to the University Community, the Dean of Students, or Designee (in consultation with the CARE Team, if needed), will make a reasonable judgment through an individualized assessment based on the best available evidence and current medical or other specialized knowledge to ascertain:
 - 6.1.3.1 The nature, duration, and severity of the risk;
 - 6.1.3.2 The probability that potential injury and/or harm will occur; and

- 6.1.3.3 Whether the student substantially impeded the educational processes or functions of other members of the University Community.
- 6.1.4 As part of this individualized assessment, the student may be required to undergo a medical or psychological evaluation by an independent and objective health professional (including the University's Student Health Services) designated by the University.
- 6.1.5 The student may also be required to sign necessary releases so that the report from the evaluation may be provided to the CARE Team, and other administrators if appropriate, for the purposes of determining whether the student should be subject to an intervention or involuntary withdrawal.
- 6.1.6 The Dean of Students, or Designee, will also consider any medical or other relevant information submitted by the student, including, but not limited to, a medical or psychological evaluation by a health professional of the student's choice.
- 6.1.7 As part of this evaluation, the University will consider how a student's past or ongoing condition may have contributed to the risk of harm. The Dean of Students, or Designee, may consult the CARE Team, the Disability Resource Center, and other resources as needed to determine if the student is a qualified individual with a disability and whether a reasonable accommodation will allow that student to meet their essential academic and *Student Conduct Code* (See *Utah Tech policy 552*) responsibilities while abating the risk of harm and maintaining a safe environment for all students. This determination shall also evaluate whether such accommodation can be provided without fundamentally altering the essential functions or lowering the academic standards of the educational program, and without creating undue hardship to the University.
- 6.1.8 Whether or not the student is a qualified individual with a disability, the Dean of Students, or Designee, will generally attempt to engage in an interactive dialogue with the student to discuss the manner in which the student plans to abate the risk of harm. As part of this interactive process, the Dean of Students, or Designee, will, when feasible, actively encourage the student and/or their medical provider to suggest possible actions (including voluntary withdrawal) to address and abate the risk of harm. The Dean of Students, or Designee, and the student may also choose to engage other professionals or University administrators in formulating a

proposed plan. The Dean of Students, or Designee, may then further consult with the CARE Team to determine if the proposed plan devised from the interactive dialogue appropriately addresses and abates the risk of harm.

6.1.9 If the CARE Team finds that the proposed plan is inappropriate or insufficient to address the risk of harm, the Dean of Students, or Designee, may resume the interactive process with the student.

6.1.10 The Dean of Students, or Designee, may communicate with essential personnel regarding the proposed plan and will take necessary steps to ensure its implementation and/or any necessary monitoring.

6.1.11 If a student is subject to an intervention or is involuntarily withdrawn pursuant to this protocol, to the extent appropriate and practicable, conditions for return may be specified in writing by the Dean of Students, or Designee.

6.2 Appeal of Safety Intervention and/or Involuntary Withdrawal

6.2.1 A student may make a written appeal to the Vice President of Student Affairs within ten (10) University business days of a safety intervention or involuntary withdrawal, and may request an informal proceeding to review the determination.

6.2.1.1 In the event that a student feels that an involuntary withdrawal was the result of discrimination based on a disability or protected class status (See Utah Tech Policy 164), the student may also seek the services of the Utah Tech University Office of Equity, Compliance, and Title IX.

6.2.2 The Dean of Students', or Designee's, decision to impose a safety intervention or involuntary withdrawal will be deemed final if not appealed within ten (10) University business days. The Vice President of Student Affairs has sole discretion to make any exception to the appeal deadline for just cause.

6.2.3 The informal proceedings shall take place within ten (10) business days of receipt of the written appeal. The Vice President of Student Affairs will conduct the informal proceedings. The informal proceedings are generally limited to 60–90 minutes in duration, unless the Vice President of Student Affairs, in their discretion, determines that additional time is necessary.

- 6.2.4 The Dean of Students, or Designee, will provide the student with all the following before the informal proceeding:
- 6.2.4.1 A written statement explaining the reasons for a safety intervention or involuntary withdrawal and the information relied upon; and
 - 6.2.4.2 An opportunity to review the evaluations relied upon by the Dean of Students, or Designee.
- 6.2.5 At the informal proceeding, the student may choose to be assisted by an advisor of their choice, who may but need not be an attorney, parent or guardian, a health professional, and/or a faculty or staff member. Students are encouraged to represent themselves to the extent that they feel comfortable. Legal counsel or advisor shall be permitted to make opening and closing statements, consult with the student throughout the proceeding, and to submit questions to the Vice President of Student Affairs, consistent with USHE Policy 256, section 4.3. Subject to an informal determination regarding relevance by the Vice President of Student Affairs, the student will be permitted to be heard and to present witnesses and information to dispute the reasons for the intervention or involuntary withdrawal, or the information relied upon by the Dean of Students, or Designee, in making the determination.
- 6.2.6 The student shall provide to the Vice President of Student Affairs a written list of witnesses, and the subject matter of their expected testimonies, no fewer than five (5) days before the informal proceeding.
- 6.2.7 The Vice President of Student Affairs and the student will review the list three (3) days before the informal proceeding and will determine their relevance and necessity.
- 6.2.8 Students are responsible for contacting and securing the attendance of any witnesses, and all such contacts and requests for appearance must be done civilly and in accordance with UT's Policy 552: Student Conduct Code.
- 6.2.9 As to an involuntary withdrawal, following the informal proceeding, the Vice President of Student Affairs shall determine whether to (1) uphold the withdrawal; (2) reinstate the student; or (3) reinstate the student subject to specified conditions that may include, without limitation, participation in an ongoing health treatment program, acceptance of and compliance with a behavioral plan, a housing

relocation, reduced course load, or any combination thereof.

- 6.2.10 The Vice President of Student Affairs may modify the conditions of return at any time. The decision of the Vice President of Student Affairs shall be final.

6.3 Return to Campus

- 6.3.1 A student who has been removed from campus or withdrawn pursuant to this protocol, either voluntarily or involuntarily, who wishes to be considered for return to campus shall contact the Dean of Students, or Designee, and provide appropriate documentation to comply with the conditions of return, if any are imposed. The student may also present any relevant documentation or information that the student believes supports a request for return.
- 6.3.2 The Dean of Students, or Designee, will review the request for return as follows:
 - 6.3.2.1 Review and investigate compliance with the conditions of return, if any.
 - 6.3.2.2 Consult with the appropriate academic unit to determine whether the student is eligible for return or readmission based on the student's academic record and the readmission policies and practices of the academic unit.
 - 6.3.2.3 Consult with appropriate members of the CARE Team.
 - 6.3.2.4 Consider any additional information or documentation presented by the student in support of return.
 - 6.3.2.5 Meet with the student.
 - 6.3.2.6 Keep an appropriate record of the plan and actions.
- 6.3.3 The Dean of Students, or Designee, will recommend to the University, and to the student's intended academic unit of enrollment, if necessary, whether, in the professional judgment of the Dean of Students, or Designee, the student should be allowed to return. Students qualified for return will be permitted to do so upon recommendation of the Dean of Students, or Designee.
- 6.3.4 A student denied return pursuant to this protocol may make a written request to the Vice President of Student Affairs for an informal proceeding to review the determination. The informal

proceeding to review the return determination will follow the same procedures outlined in the appeal section of this protocol (6.2).

VII. Addenda – N/A

Policy Owner: VP, Student Affairs
Policy Steward: Dean of Students

History: New
Approved 04/26/24