



## FGCU REGULATION 4.007

*Effective Date of  
Regulation:*

### **Involuntary Withdrawal**

*June 9, 2020*

#### **A. GENERAL STATEMENT**

Florida Gulf Coast University (FGCU) is committed to fostering student success, maintaining an environment conducive to learning, and assuring the health and safety of the University community. Accordingly, the University takes appropriate measures to address student behavior that presents a direct threat of harm to the health or safety of any community member or causes a serious disruption to the learning environment or educational mission of the institution. In extraordinary circumstances, the University reserves the right to request or require a student to withdraw. If a student declines voluntarily to withdraw, the University may determine that the needs of the student and campus community require an involuntary withdrawal.

#### **B. STANDARD**

This Regulation will be applied in a non-discriminatory manner consistent with applicable federal and state laws, as well as FGCU Policy 1.006, Non-Discrimination, Anti-Harassment, and Sexual Misconduct, prohibiting discrimination based on disability.

1. A student may be subject to involuntary withdrawal when the student exhibits behavior that:
  - a. Harms or threatens to harm the health or safety of any FGCU community member or member of the non-campus community; or
  - b. Significantly disrupts the learning environment or educational mission of the University or substantially impedes the lawful activities of others and the orderly operation of the University.
2. The decision to impose an involuntary withdrawal requires a determination that the student poses a direct threat to self or others. The determination of a direct threat is appropriate when there is a high probability that if the situation is not addressed, the student will cause substantial harm to others or the University. The determination must be based upon an individual and objective assessment of the risk. The assessment requires the use of reasonable medical judgment based on current medical information or the best available non-medical evidence.
3. Specific factors to consider are:
  - a. Nature and severity of the risk;

- b. Significant likelihood that potential harm will occur; and
  - c. Availability of reasonable modifications of University policies, practices, and requirements that will sufficiently mitigate the risk.
4. The determination of a direct threat, as defined by the Department of Justice according to regulations under Title II of the Americans with Disabilities Act (ADA), will be made in accordance with FGCU Policy 4.004, Involuntary Withdrawal.

*Authority*

*BOG Regulation 1.001, University Board of Trustees Powers and Duties*

*History of Regulation*

*New 06/17/08; Amended 01/15/13; Amended 06/09/20*

*Approved by Florida Gulf Coast University Board of Trustees*

*June 9, 2020*