Medical Suspension Policy

Suffolk County Community College strives to promote the health and safety of all members of the College community by providing services in the areas of student health, counseling, and public safety and by enforcing student conduct regulations. To ensure that the institution and its members may carry out their proper activities without substantial interference or danger of physical harm, the College has adopted a policy and procedures for the involuntary medical suspension of students.

A student will be subject to medical suspension if the Medical Suspension Panel or Senior College Student Affairs Administrator (SCSAA)* concludes that the student is suffering from a physical, emotional, or psychological condition, and, as a result of this condition, engages, threatens to engage, or may engage in behavior that:

(1) reasonably poses a danger or threat of causing physical harm to the student or to others; and/or

(2) substantially impedes the lawful activities of other members of the campus community, or the educational processes, activities or functions of the College or its personnel.

Copies of the complete Medical Suspension Policy may be obtained at the Office of the Associate Dean of Student Services.

1. Introduction

Occasionally, members of the College community become aware of a student who may pose a danger to him/herself or to others, or is substantially impeding the lawful activities of the College because of a physical, emotional, or psychological condition. In these situations, College personnel may consider the appropriateness of (a) utilizing the regular student conduct process administered by the College Associate Dean of Students, or (b) requesting that the matter be handled as a potential medical suspension according to the standards and procedures described in this policy.

2. Standard

A student will be subject to an involuntary medical suspension if the Medical Suspension Panel or SCSAA concludes that the student is suffering from a physical, emotional, or psychological condition, and, as a result of this condition, engages, threatens to engage, or may engage in behavior that:

(a) reasonably poses a danger or threat of causing physical harm to the student or to others; and/or

(b) substantially impedes the lawful activities of other members of the campus community, or the educational processes, activities or functions of the College or its personnel.

Note that having a mental illness or engaging in behavior that is eccentric, highly individualistic, inappropriate, or simply causes concern is not enough to subject the student to a medical suspension; rather, the student must meet the standard for a medical suspension described above. In addition, it should be noted that a student suffering from a physical, emotional, or psychological condition who is accused of a disciplinary violation should not routinely be diverted from the conduct process unless the SCSAA determines that doing so would be in the best interests of both the student and the institution. The decision to implement either the conduct process or medical suspension procedure is the responsibility of the SCSAA or his/her designee.

3. Commencement of the Medical Suspension Process

The Panel on each campus will consist of three members:

Any member of the College community who has reason to believe that a student may meet the standard for medical suspension, as described in Section (2) above, may contact the SCSAA in writing. The SCSAA will then oversee the medical suspension process for the identified student.

If, in the SCSAA's judgment, the student does not meet the standard for medical suspension, this process will terminate and the SCSAA may take other action as appropriate, such as initiating the student disciplinary process, referring the student for psychological treatment, or suggesting that the student alter his/her academic course load.

If, in the SCSAA's judgment, the student may meet the standard for medical suspension, the SCSAA will arrange for a meeting with the student as soon as possible to:

(a) describe the report(s) he/she has received;

(b) provide the student with a copy of the Medical Suspension Policy; and

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* *The Senior College Student Affairs Administrator or his/her designee (SCSAA)*

(c) discuss the policy, the procedures to be followed, and the student's rights under the policy.

Alternatively, the SCSAA may provide the information noted in a, b, c above in writing via certified or registered mail (US Postal Service) to the address that the student has provided the College as his/her official address.

4. Voluntary and Involuntary Medical Suspension

The procedures described in this policy may result in the involuntary medical suspension of a student. At any point in the process, however, the student may request a voluntary medical leave from the SCSAA. Such a request will be handled according to the existing voluntary Medical Leave Policy, and the process described herein will cease. If the student withdraws his/her request, however, the involuntary medical suspension process shall resume. If the student's request for a voluntary Medical Leave is granted, the student will be subject to the readmission standards described in Section (11) below.

5. Interim Medical Suspension

If the SCSAA determines that the student may be suffering from a physical, emotional or psychological condition and, as a result of this condition, there is reason to believe that the student may engage in behavior that reasonably poses a danger of causing physical harm to the student or others, or is currently substantially impeding the lawful activities of other members of the campus community or the educational processes, activities or functions of the College or its personnel, the SCSAA may immediately place the student on an interim medical suspension. A student suspended on an interim basis shall be given the opportunity to meet with the SCSAA within three business days of the implementation of the interim medical suspension. Following this meeting, the SCSAA may either continue or cancel the interim suspension. If the interim medical suspension is cancelled, the procedures described in this policy may still be continued. If the interim suspension remains in effect, the next stages in this procedure must be followed, and every effort should be made to expedite the process to the greatest extent possible.

6. Referral for Evaluation

Should the SCSAA determine that an objective evaluation is needed or would otherwise be beneficial, the SCSAA will make such arrangements as may be necessary, at the College's expense. Whenever available and/or appropriate, the SCSAA shall use the college's Consulting Psychologist/Psychiatrist if a psychological evaluation is needed, and the college's Consulting Physician if a medical evaluation is needed. In those cases where the college's Consulting Psychologist/Psychiatrist/Physician is not available, the SCSAA shall identify another New York State licensed psychologist, psychiatrist, or physician, as appropriate, for this purpose. Students referred for such evaluation shall be so informed in writing either by personal delivery or by certified or registered mail (US Postal Service). The evaluation shall be scheduled, if at all possible, within five business days from the date of the referral letter, and shall be held at either the College or the consultant's place of business, whichever is deemed most appropriate. Students may be accompanied by a licensed psychologist, psychiatrist, or physician of their choice (i.e., at the student's expense) who may observe, but not participate in the evaluation process. Any pending conduct action may be withheld at the discretion of the SCSAA until the evaluation is completed.

When the mental health or medical professional meets with a student, the student shall be asked to provide written consent acknowledging that the evaluation is not confidential or privileged and that the results will be made available to the student and the SCSAA, and presented to the Medical Suspension Panel at the hearing. The evaluation shall not be conducted without such consent.

If the mental health or medical professional determines that the student does not meet the standard for medical suspension, he/she will report this fact in writing to the SCSAA within three business days of the evaluation. The SCSAA may at this point decide to terminate the medical suspension process.

If the mental health or medical professional determines that the student may meet the standard for medical suspension, he/she will put his/her findings in writing and inform the student and the SCSAA within three business days of the evaluation. The mental health or medical professional may, at his/her discretion, include recommendations for the Panel to consider such as suspension, mandatory treatment, or a lighter academic course load. The written report will be made available to the student, the SCSAA, and the Panel at the hearing, and the mental health or medical professional may be present at the hearing to answer pertinent questions if so requested by either the student or the SCSAA.

Additionally, the student may, at his or her discretion and expense, request any professional who has knowledge of the student's physical, emotional, or psychological condition to provide information and/or recommendations as may be appropriate to the SCSAA for consideration during the hearing process.

7. Student's Failure to Respond or Comply

The student is expected to respond to all reasonable requests to meet with the SCSAA and to cooperate in the evaluation process described in Section (6).

If the student fails or otherwise refuses to comply with reasonable requests to meet with the SCSAA and/or the mental health or medical professional as directed, the SCSAA may either:

(a) cancel the student's registration at the College, with the understanding that the student will not be permitted to re-enroll at the College unless she/he either complies with such requests or is reinstated following an appeal to the Campus Dean pursuant to Section (12); or

(b) proceed with the hearing before the Medical Suspension Panel.

8. Composition of Medical Suspension Panel (Panel)

The Medical Suspension Panel is the college body designated by the SCSAA to determine whether or not a student should be suspended under the terms of this policy. The Panel will consist of three voting members, including the SCSAA or designee who shall serve as Chair, and two additional members, selected by the SCSAA, who shall have professional backgrounds in such areas as counseling, psychology, social work, nursing, etc. Members shall be objective and free of personal bias. Students shall not be permitted to serve on the Medical Suspension Panel.

9. Hearing Process

a. If a hearing is warranted according to Section (6), the SCSAA will notify the student, in writing, of the date, time and place of the hearing. A student will be given a minimum of three business days to prepare for a hearing. The student may waive, in writing, the requirement of either the written notice or the three business days to prepare for the hearing. In addition, if both the student and the SCSAA are in agreement, the SCSAA by him or herself, rather than the Medical Suspension Panel, may determine whether or not the student should be suspended under the terms of this policy.

b. The entire case file, including the evaluation report prepared pursuant to Section (6) of this policy, and the names of prospective witnesses, will be available for inspection by the student in the SCSAA office during normal working hours at least two business days before the hearing. The file should not include the personal and/or confidential notes of any College official or participant in the evaluation process, unless such notes are being submitted as evidence during the hearing.

c. The hearing shall be conversational and non-adversarial in nature. Formal rules of evidence will not apply. The Chair of the Medical Suspension Panel shall exercise active control over the proceedings to facilitate the orderly completion of the hearing. Any person who disrupts the hearing may be excluded.

d. The student may choose to be accompanied by an advisor, such as a family member or legal guardian, a mental health or medical professional, an attorney, a member of the faculty or staff of the College, or an advocate or friend. Advisors are generally not permitted to participate in any portion of the hearing or to speak on behalf of any party. However, an advisor may request to actively participate during the hearing if the student's condition prevents the student from adequately representing him or herself. The extent of such participation shall be at the discretion of the SCSAA. Note that if an attorney will be serving as the student's advisor, the SCSAA must be given at least two business days notice.

e. The student, and his/her advisor if appropriate, will be given reasonable time to ask relevant questions of any individual appearing at the hearing, as well as to present relevant evidence.

f. The hearing may be conducted in the absence of a student who fails to appear after proper notice.

g. The mental health or medical professional who prepared the evaluation report pursuant to Section (6) of this policy may be asked by either the student or the SCSAA to appear at the hearing and respond to relevant questions.

h. The hearing shall be tape recorded by the SCSAA. The tape(s) shall be kept with the pertinent case file for as long as the case file is maintained by the College. The tape will be available to the student, upon written request.

i. The hearing shall be closed to the public. Hearing participants are limited to the student, his/her advisor, members of the Panel, and any witnesses who have been asked to appear by any of the parties involved. The presence of witnesses shall be limited to the presentation of their information and their questioning by the remaining hearing participants.

j. All deliberations of the Panel will be made in closed session, outside the presence of the student, his/her advisor, or any complainants or witnesses. Determinations shall be made by majority vote, based on a preponderance of the evidence presented at the hearing. Should the Panel determine that the student meets the standard for a medical suspension, the Panel shall specify the minimum period of suspension and the specific conditions that must be met for reinstatement. The Panel may also, at it's discretion, permit a student who meets the standard for medical suspension to remain enrolled on a probationary basis under specified conditions which may include, but are not limited to:

   (a) active participation in an ongoing treatment program with evidence of continuing compliance and improvement; and/or

   (b) barring the student from a specific class, location, or area; and/or

   (c) a reduced academic course load.

   In such cases, the SCSAA will monitor the student and may, at any point, terminate the probationary period and impose a medical suspension.

k. In cases where the SCSAA did not serve as Chair of the Panel, the findings shall be submitted to the SCSAA along with a record of the hearing. The SCSAA shall furnish a copy of the findings to the student by either personal delivery or by certified or registered mail (US Postal Service) to the student's official home address within two business days of the decision.

l. Students shall have a right to appeal a decision for appropriate cause, as noted in Section (10) below.

m. All participants in a medical suspension hearing are required to consider all information and decisions related to the proceedings to be confidential. The outcome of the hearing will only be disclosed to College officials and faculty members who have a legitimate educational interest in the outcome.

10. Appeal

Within five business days from the delivery or receipt of the Panel's decision, the student may request, in writing, that the Campus Dean, or his/her designee, review the matter and the Panel's decision. The student shall state in writing the specific points she/he wishes the Campus Dean to consider. As a general rule, the decision of the Panel shall stay in effect unless determined otherwise by the Campus Dean though the appeal process.

The Campus Dean may review the matter either by examining the case file and/or, at his/her discretion, meeting with the student, his/her advisor, and/or the SCSAA. The Campus Dean may (a) affirm the Panel's decision, (b) send the matter back to the Panel for further deliberations, (c) affirm the Panel's finding that the standard for a medical suspension has been met but alter the dispositions and/or conditions that have been imposed, and, (d) reverse the Panel and reinstate the student. The Campus Dean shall inform the student of his/her decision, in writing, within 10 business days either in person, or via certified or registered mail (US Postal Service).

11. Readmission

A student who is involuntarily suspended by the Panel, or who obtains a voluntary Medical Leave after the commencement of the procedures described in this policy, may not apply for readmission to the College before the start of the next semester. Application for readmission shall be made to the SCSAA, who may require such reasonable documentation as deemed necessary. The SCSAA will approve re-enrollment or readmission only if s/he determines, that the student no longer meets the standard for a medical suspension as outlined in Section (2), and has met all other readmission or re-enrollment standards established by either the College or the Panel. The SCSAA may, at his/her discretion, convene the Medical Suspension Panel to make this determination. Should the SCSAA (or the Panel) deny the request for readmission or re-enrollment, the student shall have five business days from the time of such notification to request, in writing, that the Campus Dean review the denial, as outlined in Section (10).

12. Records and Fees

The normal policies and procedures for transcript notation and tuition refunds for students who withdraw during an academic semester, as described in the College Catalog and/or Student Handbook, will apply to students who withdraw, voluntarily or involuntarily, under this policy.

Board of Trustees
March 22, 2007