



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 Campus Associate Dean of Student Services 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 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.

I. Introduction

Members of the College community may become aware of a student who may pose a danger 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 Campus Associate Dean of Student Services, 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 medical suspension if the Medical Suspension Panel or Campus Associate Dean of Student Services 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 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 Campus Associate Dean of Student Services 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 Campus Associate Dean of Student Services or his/her designee.

3. Commencement of the Medical Suspension Process

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 Campus Associate Dean of Student Services in writing. The Campus Associate Dean of Student Services will then oversee the medical suspension process for the identified student.

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

If, in the Campus Associate Dean of Student Services judgment, the student may meet the standard for medical suspension, the Campus Associate Dean of Student Services 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 (c) discuss the policy, the procedures to be followed, and the student's rights under the policy.

Alternatively, the Campus Associate Dean of Student Services may provide the information noted in a, b, c above, in writing, by certified or registered mail to the address that the student

has provided the College as his/her official address, and e-mail to the student's College e-mail address.

4. Interim Medical Suspension

If the Campus Associate Dean of Student Services 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 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 Campus Associate Dean of Student Services 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 Campus Associate Dean of Student Services within three (3) business days of the implementation of the interim medical suspension. Following this meeting, the Campus Associate Dean of Student Services 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.

5. Referral for Evaluation

Should the Campus Associate Dean of Student Services determine that an objective evaluation is needed or would otherwise be beneficial, the Campus Associate Dean of Student Services will make such arrangements as may be necessary, at the College's expense. Whenever appropriate, the Campus Associate Dean of Student Services may retain the College's Consulting Psychologist/Psychiatrist if a psychological evaluation is needed, and the College's Consulting Physician if a medical evaluation is needed. Students referred for such evaluation shall be so informed in writing either by certified or registered mail,) and e-mail to the student's College e-mail address. The evaluation shall be scheduled, if at all possible, within five (5) business days from the date of the referral letter, and shall be held at the College. 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 action may be withheld at the discretion of the Campus Associate Dean of Student Services 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, Campus Associate

Dean of Student Services 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 Campus Associate Dean of Student Services within three (3) business days of the evaluation. The Campus Associate Dean of Student Services 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 Campus Associate Dean of Student Services within three (3) 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 Campus Associate Dean of Student Services 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 Campus Associate Dean of Student Services.

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 Campus Associate Dean of Student Services for consideration during the hearing process.

6. Student's Failure to Respond or Comply

The student is expected to respond to all reasonable requests to meet with the Campus Associate Dean of Student Services 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 Campus Associate Dean of Student Services and/or the mental health or medical professional as directed, the Campus Associate Dean of Student Services 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 Executive Dean/CEO pursuant to Section (12); or
- (b) proceed with the hearing before the Medical Suspension Panel.

7. Composition of Medical Suspension Panel

The Medical Suspension Panel (Panel) is the College body designated by the Vice President for Student Affairs to determine whether or not a student should be suspended under the terms of this policy. The Panel will consist of three (3) voting members, including the Campus Associate Dean of Student Services or designee who shall serve as Chair, and two additional members, selected by the Campus Associate Dean of Student Services, in consultation with the Vice President for Student Affairs, 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.

8. Hearing Process

a. If a hearing is warranted according to Section (6), the Campus Associate Dean of Student Services will notify the student, in writing, of the date, time and place of the hearing. A student will be given a minimum of three (3) business days to prepare for a hearing. The student may waive, in writing, the requirement of either the written notice or the three (3) business days to prepare for the hearing. In addition, if both the student and the Campus Associate Dean of Student Services are in agreement, the Campus Associate Dean of Student Services 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 Campus Associate Dean of Student Services' office during normal working hours at least two (2) 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 Campus Associate Dean of Student Services. Note that if an attorney will be serving as the student's advisor, the Campus Associate Dean of Student Services must be given at least two (2) 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 Campus Associate Dean of Student Services to appear at the hearing and respond to relevant questions.

h. The hearing shall be recorded by the Campus Associate Dean of Student Services. The recording(s) shall be kept with the pertinent case file for as long as the case file is maintained by the College. The recording(s) will be available to the student, upon written request made to the Campus Associate Dean of Student Services.

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 its 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:

- (i) active participation in an ongoing treatment program with evidence of continuing compliance and improvement; and/or
- (ii) barring the student from a specific class, location, or area; and/or
- (iii) a reduced academic course load.

In such cases, the Campus Associate Dean of Student Services will monitor the student and may, at any point, terminate the probationary period and impose a medical suspension.

k. In cases where the Campus Associate Dean of Student Services did not serve as Chair of the Panel, the findings shall be submitted to the Campus Associate Dean of Student

Services along with a record of the hearing. The Campus Associate Dean of Student Services shall furnish a copy of the findings to the student by certified or registered mail to the student's official home address, and e-mail to the student's College e-mail address within three (3) business days of the decision.

l. Students shall have a right to appeal.

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.

9. Appeal

Within five (5) business days from the delivery or receipt of the Panel's decision, the student may request, in writing, that the Campus Executive Dean/CEO, 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 Executive Dean/CEO to consider. As a general rule, the decision of the Panel shall stand unless determined otherwise by the Campus Executive Dean/CEO through the appeal process.

On appeal, the Campus Executive Dean/CEO or his/her designee shall review the matter by examining the case file, including the recording(s) of the hearing. The Campus Executive Dean/CEO 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, or (d) reverse the Panel and reinstate the student. The Campus Executive Dean/CEO shall inform the student of his/her decision, in writing, within ten (10) business days by certified or registered mail, and e-mail to the student's College e-mail address. .

10. Readmission

A student who is suspended by the Panel may not apply for readmission to the College prior to the start of the next semester, unless the Campus Executive Dean/CEO, in consultation with the Vice President for Student Affairs, determines otherwise. Application for readmission shall be made to the Campus Associate Dean of Student Services, who may require such reasonable documentation as deemed necessary. The Campus Associate Dean of Student Services 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 Campus Associate Dean of Student Services may, at his/her discretion, convene the

Medical Suspension Panel to make this determination. Should the Campus Associate Dean of Student Services or the Panel deny the request for readmission or re-enrollment, the student shall have five (5) business days from the time of such notification to request, in writing, that the Campus Executive Dean/CEO review the denial, as outlined in Section (10).

II. 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, will apply to students who are placed on medical suspension, under this policy.

**Board of Trustees
September 17, 2015**