

STUDENT HEALTH AND SAFETY POLICY

These guidelines shall govern instances where a University administrator becomes aware of a law school student whose behavior may pose a direct threat to the student's own health or safety or to the health or safety of others. Examples of such behavior by a law school student include, but are not limited to starvation, suicidal expressions or gestures, verbal or physical threats or assaults, overdoses of medication, infliction of serious bodily harm and ingestion of toxic or dangerous substances.

PROCEDURE

1. Once the Law School Dean of Students Office is made aware of a law school student that may be considered a danger to themselves or others, the Law School Dean of Students shall review the information and confer with the Director of the Counseling Center or the Director of the Student Health Center, as appropriate.
2. After conferring with the Director of the Counseling Center or the Director of the Student Health Center, the Director of the Counseling Center or the Director of the Student Health Center shall decide if the case warrants referral to the Law School Student Assessment Committee (LSSAC). If the Director of the Counseling Center or the Director of the Student Health Center determines the matter does not warrant referral to the LSSAC, the student shall be managed by the appropriate support office and personnel.
3. This policy specifically excludes consideration of student behavior which may be perceived as disruptive, but not necessarily threatening to the student's own personal health or safety or that of others. Behavior which is viewed as disruptive, but not necessarily threatening, will be addressed through the School of Law's Honor Code as outlined in the Law School Handbook and Honor Code.
4. The LSSAC shall be comprised of a minimum of the following three persons: The Dean of Students for the School of Law, the Director of the Student Health Center, and the Director of the Counseling Center, or their respective designees. Additional individuals may be called upon by the Committee to provide relevant information and/or assistance, as may be appropriate under the circumstances. Such individuals may attend the meeting only to provide information and cannot attend during the Committee's deliberations.
5. A summary and final recommendation of all cases shall be documented and all records retained by the Dean of Students of the School of Law.
6. If it is determined that the matter warrants review by LSSAC, LSSAC shall convene as soon as possible to conduct an individualized assessment of the student, which shall involve a review of the facts concerning the student's behavior. Prior to the assessment meeting, the Dean of Students will ensure that all pertinent information related to the student's matter is gathered and presented at the meeting.
7. In cases where there appears to be a clear and present threat to safety and time may not allow for an individualized assessment, the Counseling Center or the Student Health Center may seek to have the

student involuntarily hospitalized as provided for under “The Florida Mental Health Act” also known as “The Baker Act,” Chapter 394, Part I, Florida Statutes.

8. Except in instances where immediate action is necessary, the Committee shall meet as soon as possible to review all of the facts presented and determine whether the student may be considered a danger to himself/herself or others and make recommendations to the Law School Dean of Students or his/her designee regarding the student’s health (mental and/or physical) and continued enrollment at the University.

9. The ADA requires that the individualized assessment be based on reasonable judgment founded on current medical or psychological evidence, or on the best available objective evidence, and considers: 1) the nature, duration, and severity of risk; 2) the probability of actual injury; and 3) whether reasonable modifications of policies, practices, or procedures will mitigate the risk. A copy of 28 CFR & 36.208 is reprinted herein as Appendix “A.”

After consideration of the student’s case, LSSAC may recommend one or more of the following actions:

- a. Additional gathering of information about the case for further review;
- b. Allow the student to continue his or her enrollment at the University with no change or interruption;
- c. Allow the student to continue his/her enrollment at the University under specified conditions by which the student will conduct himself or herself in a prescribed manner and will follow any recommendations for treatment deemed acceptable to the University. Such treatment may take into consideration the recommendations of the student’s health care provider;
- d. Require the student’s withdrawal from the University (involuntary withdrawal) with or without certain conditions for return;
- e. Allow the student to voluntarily withdraw from the University with or without certain conditions for return;
- f. Prohibit the student from registering for future semesters at the University by placing a “STOP” on his/her registration;
- g. Refer the student for disciplinary action to the Dean of Students of the School of Law or his/her designee;
- h. Refer the student for mental health or physical (medical) evaluation/ treatment/observation with or without conditions for continued or future enrollment;
- i. Notify the student’s parent(s) or guardian(s), regardless of the student’s age, status, or conduct in health or safety emergencies, hospitalizations, or when in LSSAC’s judgment, the health or wellbeing of the student or others may be at risk;

j. Require any course of action deemed appropriate by the Committee and/or the Dean of Students of the School of Law in light of the student's behavior.

Before requiring a withdrawal or mandatory leave of absence for any student with a disability, LSSAC will do an individualized assessment to determine if there are reasonable accommodations that would permit the student to continue to participate in the School of Law without taking a leave of absence.

10. If the Committee cannot reach a consensus decision, the ultimate decision regarding the Committee's recommendation will be made by the Dean of Students of the School of Law or his/her designee.

11. Upon the conclusion of the LSSAC meeting or as soon as possible thereafter, the Dean of Students of the School of Law or his/her designee will contact or meet with the student to inform him/her of the University's concerns. After speaking/meeting with the student, the Dean of Students of the School of Law shall direct the student to comply with the LSSAC recommendations or any other action he/she deems necessary. The student shall also be advised that failure to comply with the requirements or deadlines may result in his/her involuntary withdrawal from the University. Any and all decisions made by the Dean of Students of the School of Law or his/her designee shall be binding and provided to the student in writing. The Dean of Students of the School of Law, or her designee, shall be consulted in the drafting of such communication review any and all communication to the student prior to it being sent to the student. The communication to the student shall advise the student of his/her right to appeal the decision as set forth below.

12. Upon request by the student, the decision imposed by the LSSAC may be initially reviewed by the Law School Dean of Students (the "Initial Review"). Requests for an Initial Review must be made, in writing and delivered to the Law School Dean of Students' Office, within 7 calendar days of receipt, by the student, of the withdrawal notice. The Law School Dean of Students may uphold the initial decision or share any new or relevant information with the LSSAC, which may then uphold, amend, rescind, or revise the prior decision. The Dean of the School of Law will serve as the final level of appeal for decisions made by the LSSAC. Prior to appealing to the Dean of the School of Law, the student must have requested an Initial Review and been notified of the outcome of the Initial Review. The request for a final review by the Dean of the School of Law must be made, in writing and delivered to the Office of the Dean of the School of Law, within 14 calendar days after receipt, by the student, of the outcome of the Initial Review. In conjunction with the request for review by the Dean of the School of Law, the student may submit any information which s/he believes is relevant and supportive of the request for review. The Dean of the School of Law may uphold, amend, rescind, or revise the withdrawal. Decisions made by the Dean of the School of Law are final.

EFFECTIVE: 2012, UPDATED FEBRUARY 1, 2017

ELECTRONIC CODE OF FEDERAL REGULATIONS**e-CFR data is current as of February 1, 2017**[Title 28](#) → [Chapter I](#) → [Part 36](#) → [Subpart B](#) → §36.208

Title 28: Judicial Administration

PART 36—NONDISCRIMINATION ON THE BASIS OF DISABILITY BY PUBLIC ACCOMMODATIONS AND IN COMMERCIAL FACILITIES**Subpart B—General Requirements**

§36.208 Direct threat.

(a) This part does not require a public accommodation to permit an individual to participate in or benefit from the goods, services, facilities, privileges, advantages and accommodations of that public accommodation when that individual poses a direct threat to the health or safety of others.

(b) In determining whether an individual poses a direct threat to the health or safety of others, a public accommodation must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain: The nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

[Order No. 1513-91, 56 FR 35592, July 26, 1991, as amended by AG Order No. 3181-2010, 75 FR 56251, Sept. 15, 2010]

[Need assistance?](#)