

STUDENT EMERGENCY REMOVAL PROTOCOL

Below is the protocol that Lesley University uses when assessing whether a student's health or medical condition requires an emergency removal of the student from the University and/or the University's housing.

Policy

The University uses this protocol when there is reason to believe that the health or medical condition of a student poses an unreasonable risk of substantial harm to the health, safety, or welfare of any member of the University community, including the student himself/herself. Compliance with this protocol is critical to our ability to maintain a safe and healthy campus community and to ensure that students are treated fairly and respectfully.

The protocol applies to all students equally in a non-discriminatory manner. Decisions will be based on observations of a student's conduct, including communications, and not on any knowledge or belief that a student is an individual with a disability.

This protocol applies only to conduct which the University reasonably believes to pose an unreasonable risk of substantial harm to the health, safety, or welfare of members of the University community. The University will not activate this protocol if it reasonably believes that the risk of harm is increased only slightly, speculative or remote, nor will this protocol apply if the University reasonably believes that the risk can be sufficiently mitigated by a reasonable modification to University policies, practices or procedures, or by the reasonable provision of auxiliary aids or services.

Emergency Removal Protocol

Before removing a student from the University and/or from University housing, it is imperative that the steps outlined below are followed. This protocol does not, however, preclude the University from taking temporary interim steps to address immediate health or safety concerns before or during implementation of the protocol.

1. Reporting.

If an individual has reason to believe that a student's conduct poses an unreasonable risk of substantial harm to the health, safety or welfare of any member of the University community, including the student himself/herself, that individual must report the matter to the Dean of Student Life or the Dean's designee ("Dean of Student Life"). In cases of an immediate threat to health or safety, the individual should call 911 and contact Public Safety.

2. Individualized Assessment.

- (a) The Dean of Student Life will consult with professionals qualified to interpret evidence regarding the health and safety risks if the student remains at the University and/or in University housing, including the directors of the Counseling Center, Residence Life, Disability Services, and Student Health Services. Outside professionals qualified to interpret evidence regarding the health and safety risks if the student remains at the University and/or in University housing also may be consulted at the Dean of Student Life's discretion.

When consulted, the above professionals will discuss: (i) whether the student should be removed from the University and/or University housing; and (ii) whether the student should be permitted to return to the University and/or University housing if certain conditions are met,

and if so, what those conditions are. Alternatively, they will discuss whether the student may remain enrolled and/or in University housing under certain conditions, and if so, what those conditions are. The team will seek out the most current medical advice and objective evidence reasonably available to them at the time. Multiple risk factors will be assessed. Depending on the circumstances, those factors may include nature, duration, severity, probability, as well as actions that may mitigate the risks.

- (b) The Dean of Student Life will communicate with the student to notify the student of the concerns raised and the possible University actions, and to give the student an opportunity to respond and provide relevant information. The University will also attempt to contact the student's parents or guardians to provide them with similar notice, unless there is reason to believe that doing so would increase the risk of harm to the student or others.
- (c) If immediate interim action is necessary, and time does not allow for the consultations described above in paragraphs 2(a) and 2(b), the Dean of Student Life will use reasonable efforts to contact the persons referenced above and other persons to discuss the observed conduct and communications. The consultations described above in paragraphs 2(a) and 2(b) should occur as soon as possible thereafter to complete the assessment and address any remaining issues.

3. Decision.

The Dean of Student Life will make the decision regarding: (i) whether the student will be removed from the University and/or University housing; and (ii) whether the student will be permitted to return to the University and/or University housing if certain conditions are met, and if so, what those conditions are. In the event that the Dean of Student Life determines not to remove the student from the University and/or University housing, the Dean may nevertheless impose conditions on the student's continued enrollment at the University and/or use of University housing.

4. Notification of Removal.

- (a) When appropriate, the Dean of Student Life will attempt to telephone the student's parents or guardian at the telephone number on record at the University after the decision is made. Any such communication will be consistent with federal and state law regarding disclosure of student information.
- (b) The Dean of Student Life will prepare and send a letter to the student outlining the reason(s) for the student's removal from the University and/or from University housing. If the student is permitted to return, the letter also will include the conditions for the student to return. The letter will include the name and contact information of the person designated to address the student's questions and, if applicable, to coordinate the student's return. The student bears the burden of demonstrating to the Dean of Student Life that he/she has fulfilled all of the conditions for returning to the University and/or University housing, as required by paragraph 6 below.

This letter will be sent via mail and email (if both addresses are known) within two business days of the decision to remove the student from the University and/or from University housing.

- (c) The Dean of Student Life will invite the student for a meeting to discuss the decision to remove the student from the University and/or University housing.

5. Informing Academic Dean.

The Dean of Student Life will contact the student's academic dean to inform him/her of the decision to remove the student from the University and/or University housing.

6. Return, if Applicable.

The student bears the burden of demonstrating to the Dean of Student Life's satisfaction that he/she has fulfilled all of the conditions for returning to the University and/or University housing that were outlined in the letter described in paragraph 4(b). Once satisfied, the Dean of Student Life will notify the student in writing that he/she can return to the University and/or to University housing, if appropriate housing is available.

Appealing the Removal Decision

A student may appeal the Dean of Student Life's decision described in paragraph 3. Specifically, a student may appeal: (i) the decision of the Dean of Student Life to remove him/her from the University or from University housing; and/or (ii) if applicable, the decision that the student may not return to the University and/or University housing; and/or (iii) if applicable, the conditions for his/her return to (or remaining at) the University and/or University housing. This appeal must be made to the Provost of the University or the Provost's designee within 90 days from the date of the notification letter.

The grounds for an appeal are limited to: (1) information that a procedural error affected the decision; (2) information that a factual error affected the decision; or (3) additional information relevant to the assessment that was not available at the time of the initial investigation.

Although the student has 90 days to appeal, the University recommends that appeals be requested as soon as possible. During an appeal, the removal decision will remain in place. A written response to the appeal will be provided to the student by mail and email (if both addresses are known) within 30 business days of the date an appeal notice is received by the Provost or the Provost's designee.

Filing Discrimination Grievance

A student who believes that he or she has been removed from the University and/or University housing due to unlawful discrimination on the basis of disability may file a grievance pursuant to the Disability Services Policies, the Discrimination, Harassment, and Sexual Violence Policy and the Discrimination and Harassment Complaint Resolution Procedure. Grievances should be filed with the ADA/504 Coordinator (Daniel Newman: 617-349-8572 or dnewman@lesley.edu) or the Office of Equal Opportunity and Inclusion/Title IX Coordinator (Barbara J. Addison Reid: 617-349-8507 or equalopportunity@lesley.edu).

Disciplinary Policies

This Emergency Removal Protocol is not a student disciplinary policy. The protocol works in conjunction with, not in the place of, the University's student discipline related policies, including but not limited to the Community Standards of Conduct, the Alcohol and Illegal Drugs Use Policy, and the Discrimination, Harassment, and Sexual Violence Policy. These policies can be found in the Undergraduate Student Handbook and in the Graduate Academic Catalog/Handbook. Both Handbooks can be found at <http://www.lesley.edu/student-life/handbooks-and-policies/?terms=student%20handbook>. The same conduct or communications for which a student may be removed from the University and/or University housing may also violate other University policies and require separate action by the University. For example, the use of illegal drugs could justify removal from University housing as well as constitute a violation of the Alcohol and Illegal

Drugs Use Policy, justifying disciplinary action. Accordingly, a student may be removed from a residential hall and/or from the campus and may also be the subject of a separate student disciplinary or other University proceeding.

This Student Emergency Removal Protocol is not intended to create a contract between Lesley University and its students, employees, or other persons. Lesley reserves the right to amend or revoke this and other policies at any time without notice.

Office responsible for this policy: Dean of Student Life and Academic Development

Revised: July 2, 2014