

## **NOTICE OF PROPOSED REGULATION AMENDMENT**

Date: August 17, 2012

**REGULATION TITLE:**  
Involuntary Medical Withdrawal

**REGULATION NO.:**  
4.036

**SUMMARY:** This regulation is amended to reflect compliance with revisions made to Title II of the ADA regulations that change the definition of "direct threat" under that Act. The revised regulation defines direct threat as a "significant risk to the health or safety of others" and omits the word "self" that in the prior regulations said "self or others."

**AUTHORITY:** BOG Regulation 1.001.

**COMMENTS CONCERNING THE PROPOSED REGULATION SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW.** The comments must identify the regulation you are commenting on.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS:** Rebecca J. Holt, Senior Administrative Assistant, 123 Tigert Hall, Post Office Box 113125, University of Florida, Gainesville, Florida 32611, 352-392-1358 office, 352-392-4387 facsimile, regulations@ufl.edu.

**NAME OF PERSON WHO APPROVED THE PROPOSED REGULATION:** Dave Kratzer, Vice President for Student Affairs.

**THE FULL TEXT OF THE PROPOSED REGULATION IS ATTACHED TO THIS NOTICE.**

REGULATIONS OF THE  
UNIVERSITY OF FLORIDA

~~6C1~~4.036 Involuntary Medical Withdrawal.

(1) The University will make reasonable accommodations for students with disabilities as determined under applicable law. However, students are considered adults when attending the University, and students have a responsibility to not cause harm to themselves or others and to participate in University life safely. A student who poses a significant danger of serious harm to the health or safety of himself/herself or others at the University will be involuntarily withdrawn from the University by the Dean of Students or designee. Such action will be taken only after appropriate consultation with the Director of the Student Health Care Center or the Director of the University Counseling Center.

(2) A student subject to involuntary withdrawal shall be accorded:

- (a) written notice of the University's decision to act under this regulation stating the reasons for the action;
- (b) the opportunity to respond to the Dean of Students or designee;
- (c) the opportunity to appeal the decision to the Vice President for Student Affairs or designee within ten (10) days.

(3) Should circumstances warrant, a student may be subject to an immediate temporary withdrawal, pending a further determination. A student subject to an immediate temporary withdrawal shall be provided notice of such withdrawal stating the reasons and an opportunity to respond to the Dean of Students or designee as soon as reasonably possible after

such withdrawal. After so responding, the temporary withdrawal will be rescinded or made final and notice shall be given to the student.

(4) Failure of a student to take the opportunity to respond at the time and in the manner provided by the University shall not affect the validity of or delay any decision made under this Regulation.

(5) A student subject to involuntary withdrawal shall receive a refund of fees as provided in University of Florida Regulation ~~6C1~~-3.0371.

(6) A student who is involuntarily withdrawn shall have a hold placed on his or her records, and the University may impose conditions for readmission, including but not limited to one or more of the following:

(a) requiring the student to provide the Dean of Students or designee a complete written assessment (using the form provided by the University) from student's treating physician or independent licensed psychiatrist or other licensed mental health provider that the student is ready and able to safely return to his or her educational pursuits;

(b) determination from an outside independent licensed psychiatrist or other licensed mental health provider retained by the University that the student is ready and able to safely return to the University;

(c) a written agreement from the student to attend and participate in any treatment/programs/meetings to the extent recommended by student's treating physician or licensed mental health provider and/or an independent licensed psychiatrist or other licensed mental health provider retained by the University; and/or

(d) determination by University officials that student has met conditions for readmission and that the University has appropriate resources to support and meet any ongoing needs of the student.

~~Specific~~ Authority: [BOG Regulation 1.001](#) ~~BOG Resolution dated January 7, 2003~~.

History--New 2-11-82, Formerly 6C1-4.36, Amended 10-31-99, 9-5-08, [Formerly 6C1-4.036, Amended](#) \_\_\_\_\_.