The Ohio State University
CONSULTATION AND ASSESSMENT TEAM

The Consultation and Assessment Team (CAT) is an informal consultation team that reports to the Vice President for Student Affairs. Permanent members include Director of Counseling and Consultation Service (Chair), OSU Police designee, Director of Student Judicial Affairs, ADA Coordinator's Office designee, and Office of Legal Affairs designee as legal counsel to CAT.

Consultation meetings are held at the request of OSU faculty, staff, or students who are concerned about a student's behavior that may be dangerous to self or others or is extremely disruptive. Often the behavior is perceived to have a mental illness root. Meetings consist of the four core members, legal counsel, and the faculty, staff, and/or students impacted by the behavior.

CHARGE:

- Assess situations involving students who pose a potential risk of harm to persons or property in the university community or of substantial disruption of university activities.
- Consult with faculty, staff, and students involved in or impacted by the student's behavior.
- Coordinate the university response to violent, threatening, or significantly disruptive students.
- Make recommendations to the Vice President for Student Affairs on an appropriate course of action with regard to a student who poses a potential risk of harm consistent with university rules and policies.
- Review admission applications wherein an applicant indicates that they have a felonious criminal history or have been suspended or dismissed from another institution. (For this purpose a designee from University Housing joins the team in place of the representative of the ADA Coordinator's office and the team makes its recommendations for admission, with or without conditions, to the Assistant Vice President for Undergraduate Admissions and the First Year Experience or other appropriate admissions official.)

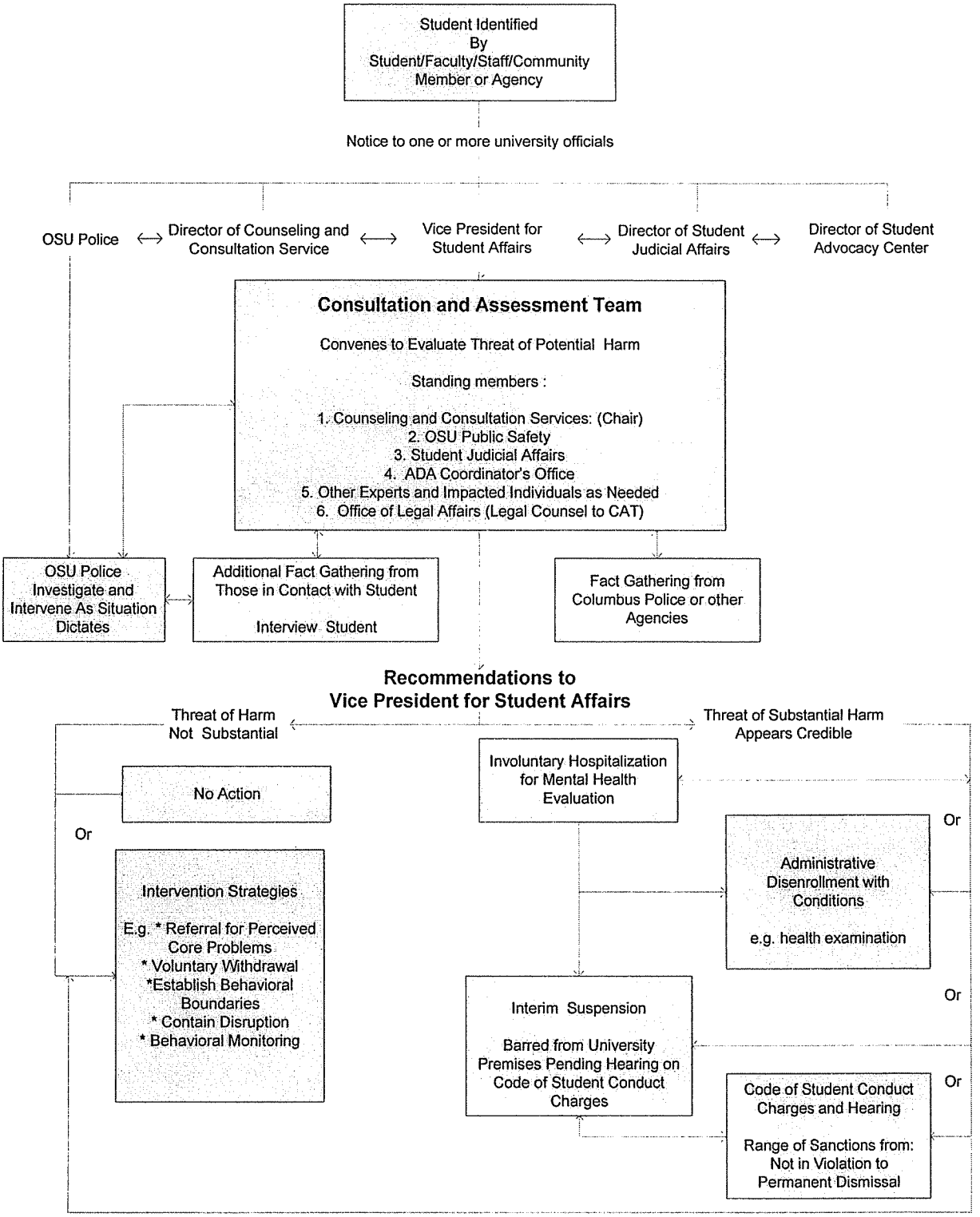
OUTCOMES

The team will develop and recommend a coordinated plan of action to manage the situation that accounts for community safety, individual student rights, and the preservation of the campus learning, living, and working environment. CAT considerations include assessment of the potential for violence, strategies to contain disruption, resource availability and referral for the perceived core problem, accommodation that may be required by law, and setting appropriate behavioral boundaries within existing policies and procedures.

If appropriate and as deemed necessary, the team may recommend enactment of one of the following Faculty Rules:

- 3335-23-20 Interim Suspension
- 3335-23-21 Administrative Disenrollment
- 3335-9-08 Medical Examination and Enrollment Denial for Medical Reasons
- 3335-23-01to22 Code of Student Conduct (Charges and hearing on prohibited conduct)
- 3335-8-33 Disenrollment from a Course

The Ohio State University Office of Student Affairs
Case Management Involving Students* Who Pose a Potential Risk of Substantial Harm



* Similar Process Established through the Office of Human Resources to Address Cases Involving Faculty and Staff under HR Polices and Faculty Rules

Selected Provisions: Code of Student Conduct and Other Faculty Rules:

3335-23-02 Jurisdiction Code of Student Conduct

The code applies to the on-campus conduct of all students and registered student organizations. The code also applies to the off-campus conduct of students and registered student organizations in direct connection with:

A. A professional practice assignment;
B. Academic course requirements, such as internships, field trips, or student teaching;
C. Any activity supporting pursuit of a degree, such as research at another institution;
D. Any activity sponsored, conducted, or authorized by the university or by registered student organizations;
E. Any activity that causes substantial destruction of property belonging to the university or members of the university community or causes serious harm to the health or safety of members of the university community; or
F. Any activity in which a police report has been filed, a summons or indictment has been issued, or an arrest has occurred for a crime of violence.

The code governs all campuses of the university However, students attending at regional campuses and the agricultural technical institute are advised to consult their local campus publications for additional information or rules pertaining to those campuses, which may create hearing boards or processes for the campus, consistent with these rules.

From Code of Student Conduct: 3335-23-04 Prohibited Conduct:

Any student found to have engaged in the following conduct while within the university's jurisdiction, as set forth in section 3335-23-02, will be subject to disciplinary action by the university.

(B) Endangering health or safety
Taking or threatening action that threatens or endangers the safety, physical or mental health, or life of any person, whether intentionally or as a result of recklessness or gross negligence.

(E) Dangerous weapons or devices
Use, storage, or possession of dangerous weapons or devices including, but not limited to, firearms and fireworks unless authorized by an appropriate university official or permitted by a university policy.

(H) Failure to comply with university or civil authority
Failure to comply with legitimate directives of authorized university officials, law enforcement or emergency personnel, identified as such, in the performance of their duties, including failure to identify oneself when so requested; or violation of the terms of a disciplinary sanction.

(K) Unauthorized presence
Unauthorized entrance to or presence in or on university premises.

(L) Disorderly or disruptive conduct
Disorderly or disruptive conduct that unreasonably interferes with university activities or with the legitimate activities of any member of the university community.

(O) Violation of university rules
Violation of other published university regulations, policies, or rules, or violations of federal, state, or local law. These university regulations, policies, or rules include, but are not limited to, those which prohibit the misuse of computing resources, sexual harassment, rules for student groups or organizations, and residence hall rules and regulations.

From: 3335-23-20 Interim Suspension

When the vice president for student affairs or his/her designee has reasonable cause to believe that the student's presence on university premises or at a university-related or registered student organization activity poses a **significant risk of substantial harm to the health or safety of others or to property, the student may be immediately suspended from all or any portion of university premises, university-related activities or registered student organization activities, and is not permitted to participate in, or complete academic coursework.** This temporary suspension will be confirmed by a written statement and shall remain in effect until the conclusion of a full hearing or administrative decision, without undue delay, in accordance with the rules of the Ohio State University. The student may, within three (3) working days of the imposition of the suspension, petition the vice president for student affairs for reinstatement. The petition must be in writing, and must include supporting documentation or evidence that the student does not pose, or no longer poses, a significant risk of substantial harm to the health or safety of others or to property. A hearing on such petition will be conducted without undue delay by the vice president for student affairs or the vice president's designee.

FROM: 3335-23-21 Administrative Disenrollment and Other Restrictions

A. A student may be disenrolled from the university; prohibited from all or any portion of university premises, university-related activities or registered student organization activities; and/or permitted to remain only under specified conditions when the vice president for student affairs or designee finds that there is clear and convincing evidence that:
   1. **The student's continued presence poses a significant risk of substantial harm to the health or safety of themselves, others, or to property; or**
   2. **The student, as a direct result of an apparent health condition, is engaged in substantial, continuing disruption of teaching, learning, research, administration or other university-related activities.** Before making such a determination, the vice president for student affairs or designee shall notify the student in writing of the reasons that disenrollment or other action is being considered, provide the student with an opportunity to respond, and consult with appropriate university personnel. The vice president for student affairs or designee may also consult with any other persons whom the vice president for student affairs or designee deems appropriate under the circumstances.

B. In those cases under paragraph (A)(1) of this rule in which it appears that the risk posed by the student is a result of a health condition or a disability as defined by the Americans with Disabilities Act, and in all cases under paragraph (A)(2) of this rule, the vice president for student affairs or designee shall also determine whether the risk or disruption can be eliminated or sufficiently reduced through reasonable accommodation and, if so, shall take appropriate steps to ensure that accommodation is made. The vice president for student affairs or designee may request the student to undergo an appropriate examination, as specified by the vice president for student affairs or designee, to determine whether any such condition exists and whether any such accommodation is possible. If the student fails to undergo such an examination, and if the other available evidence supports a finding under either paragraph (A)(1) or (A)(2), the vice president for student affairs or designee shall, to the extent reasonably possible, take the least restrictive measure or combination of measures necessary to resolve the risk or disruption.

C. A student who has been disenrolled; prohibited from university premises, university-related activities or registered student organization activities; or permitted to remain only under specified conditions may petition the vice president for student affairs for revision of that status. The petition must include supporting documentation or evidence that:
   1. The conditions found to have existed under paragraph (A)(1) or (A)(2) no longer exist and will not recur, and
   2. The student meets all normal and appropriate standards for admission and enrollment in any academic unit in which the student seeks to re-enroll.

   Upon receipt of such a petition, the vice president for student affairs or the vice president's designee shall evaluate the evidence and may consult with the student, any appropriate university personnel, and any other persons whom the vice president for student affairs or designee deems appropriate. The vice president for student affairs or designee may deny the petition, grant the petition in whole or in part under specified conditions, or grant the petition in whole or in part without condition

FROM: 3335-9-08 Medical Examination and Enrollment Denial for Medical Reasons.

(A) After admission, but prior to enrollment, each student seeking to enroll shall complete and submit to the university health service medical information in a form prescribed by the health service. Failure to comply with this requirement may result in denial of enrollment.

(B) Students with certain physical, psychological or emotional health conditions may be subject to a hold from enrollment. Such a hold may be imposed when there is clear and convincing evidence that:

(1) The student's current state of physical health poses **a substantial danger to the health and well-being of other members of the university community; or**

(2) The student is suffering from a mental disorder and as a result of that disorder engages, or threatens to engage in behavior which:

(a) Poses a substantial danger or risk of causing harm to the student or to others; or

(b) Poses a substantial danger or risk to university property, or to the property of another member of the university community.

(C) When the health of a student is alleged to be as defined in paragraph (B) of this rule, the director of the university health service, or designee, shall consult with the student about the student's health status. If the director decides it is necessary, the student may be required to submit to examination(s) deemed sufficient to evaluate such condition. The university health service will then review the case, including any medical evidence or opinion available, and determine appropriate university action. If the student fails to submit to an examination, or fails to furnish relevant health condition information, or if the review by the director discloses the existence of an immediate danger to the university community as set out in paragraph (B) of this rule, the student may be subject to a hold from enrollment; or conditions appropriate to protect the university community may be placed upon enrollment. In arriving at appropriate action, the director will take into account reasonable action on the part of the university to accommodate the student's condition.

(D) If a student has been placed on a hold from enrollment, or otherwise experienced modification of enrollment status by reason of health conditions enumerated in paragraph (B) of this rule, the student may petition for revision of that status through the office of the vice president for student affairs.

(1) Such request must be accompanied by supporting documentation that the conditions for revision of enrollment status have been fulfilled, and/or that the health condition has changed sufficiently to make revision appropriate. Upon receipt of such request, the vice president for student affairs will evaluate the evidence, or convene the case consultation committee (composed of representatives of counseling and consultation service, university health service, the student's academic unit, and other academic/administrative units as appropriate) for that purpose, and decide to:

(a) Approve enrollment without condition;

(b) Approve enrollment with specified conditions such as medical treatment; or

(c) Deny enrollment.

(2) The student must, in addition, meet all normal and appropriate standards for enrollment set by the academic unit in which the student seeks to enroll. (B/T 6/1/2001

From: 3335-8-33 Conditions and Procedures for Disenrollment From a Course.

(A) The instructor (or in the case of a graduate teaching associate, the supervising faculty member), the chair of the instructor's department (with the agreement of the instructor), or other appropriate administrative official may disenroll a student from a course if:

. . . . . .

(E) After investigation, including consultation with the instructor and the student in question, and utilizing other university resources, as desirable, the chair (or other appropriate administrative official) may disenroll a student from a course if the student presents a clear and present threat of bodily harm or injury to the instructor or fellow students, or, after warning, continues to engage in disruptive conduct, either of which results in impairment of teaching or learning processes:

(1) If, after attempting to resolve the difficulty by informal means, the department chair (or other appropriate administrative official) deems disenrollment necessary, the affected student shall be notified in writing. The notice shall be delivered by hand or sent through ordinary mail to the student at the last address supplied pursuant to rule 3335-9-09 of the Administrative Code. Copies of the disenrollment action shall be sent to the dean of the instructional college, the dean of the student's college, the office of the university registrar, and the office of student affairs.

(2) The student may appeal to the executive vice president and provost or designee for waiver of disenrollment under paragraph (E) of this rule, provided the appeal is filed within ten days of the disenrollment action. The executive vice president and provost shall make final determination on the appeal within seven days.

(3) Disenrollment is effective upon the action of the department chair (or other appropriate administrative official), unless reversed by the executive vice president and provost or designee.

ADA and Section 504 (Summary Statement from OSU Office of Legal Affairs)

OCR policy holds that nothing in Section 504 prevents educational institutions from addressing the dangers posed by an individual who represents a "direct threat" to the health and safety of self or others, even if such an individual is a person with a disability, as that individual may no longer be qualified for a particular educational program or activity. However, recipients must take steps to ensure that disciplinary and other adverse actions against **persons posing a direct threat** are not a pretext or excuse for discrimination.

To rise to the level of **a direct threat, there must be a high probability of substantial harm** and not just a slightly increased, speculative, or remote risk. In a direct threat situation, a college needs to make an individualized and objective assessment of the student's ability to safely participate in the college's program, based on a reasonable medical judgment relying on the most current medical knowledge or the best available objective evidence. The assessment must determine: the nature, duration, and severity of the risk; the probability that the potentially threatening injury will actually occur; and whether reasonable modifications of policies, practices, or procedures will sufficiently mitigate the risk. Due process requires a college to adhere to procedures to ensure that students with disabilities are not subject to adverse action on the basis of unfounded fear, prejudice, or stereotypes. A nondiscriminatory belief will be based on a student's observed conduct, actions, and statements, not merely knowledge or belief that the student is an individual with a disability. In exceptional circumstances, such as situations where safety is of immediate concern, a college may take interim steps pending a final decision regarding adverse action against a student as long as minimal due process (such as notice and an initial opportunity to address the evidence) is provided in the interim and full due process (including a hearing and the right to appeal) is offered later.