

# Students Displaying Serious Psychological Problems

**Original Implementation:** October 12, 1982

**Last Revision:** July 23, 2019

Stephen F. Austin State University (university) is committed to maintaining a learning and working environment that is safe for all students and staff. This policy establishes guidelines to address the needs of students who are experiencing serious psychological problems that may compromise their safety or the safety of others.

## Definitions

**Serious psychological problems** result in behaviors, occurring on campus, in which a student is a danger to themselves or others or causes significant disruptive activity.

**Emergency Situation:** occurs when a student is in imminent danger to self or others or there is reasonable certainty of this danger occurring in the immediate future. Examples of emergency situations are, but are not limited to, a suicide attempt, threat of a suicide attempt, actual physical harm to another person or threat of imminent harm to another person.

**Non-emergency Situation:** occurs when the student's behavior is such that it is reasonable to believe that further deterioration of the behavior could result in significant disruptive behavior and/or become dangerous to any member of the university community. Examples of non-emergency situations include, but are not limited to, repeated aberrant behavior such as inappropriate outbursts in classrooms or university offices or obvious non-lethal threats of aggression or increased levels of risk from behavioral distress, disturbances or deregulation.

**Behavior Intervention Team (BIT):** a team composed of university professionals who review and evaluate reported student behavioral situations that are concerning to evaluate the student's observed conduct and actions. In addition to the evaluation of qualified mental health and medical providers, the team may evaluate the student's risk level utilizing standardized threat assessment measures. Membership of the BIT may vary depending on the nature of the situation.

**Qualified Mental Health Provider:** a professional licensed by a state-recognized board to offer mental health services in Texas or in another state if the student returns to another state for evaluation and/or treatment.

**Psychological Review Board:** composed of a student conduct authority, the assistant dean of student affairs for support services, the ADA coordinator, a staff counselor from

Counseling Services, and a physician from the Student Health Center acting as chair. The director of health services acts as the contact person to initiate hearing proceedings and may appoint alternate members when deemed necessary.

**Student Conduct Authority:** any person or persons authorized by the vice president for university affairs or designee to determine whether a student has violated the Student Code of Conduct and to recommend or impose sanctions when a violation has been committed.

### **Reporting and Response**

Anyone with knowledge of a student displaying behavior that could place the student or others in imminent danger should immediately contact the University Police Department (UPD). UPD will coordinate the response to the incident.

Response will be based upon the severity of the behavior and may range from obtaining medical/mental health assistance for the student to taking the student into custody.

### **Emergency Procedures**

When an incident is deemed to be an emergency situation, UPD will contact a student conduct authority as soon as is reasonably possible after responding to the reported incident. The student conduct authority, under the direction of the vice president for university affairs/designee, may send a letter to the student indicating the student is barred from campus and class attendance until certain conditions are met. These conditions may include, but are not limited to, meeting with the student conduct authority to review the case, an evaluation and release from a qualified mental health provider stating the student is ready to return to campus and class and/or that the student agrees to refrain from the behavior displayed in the incident. Also within the letter, the student will be informed of their right to have a hearing with the Psychological Review Board within five (5) working days for reconsideration of the incident and the required conditions.

The student may:

- a) accept the required conditions stated in the letter and return to campus and class without a hearing, or
- b) request a hearing and remain off campus and not attend class until the matter is resolved, or
- c) do neither and, after the fifth day, be suspended from the university for at least the remainder of the semester and until the required conditions are met.

The request for a hearing must be made in writing and delivered to the student conduct authority within two (2) working days of receipt of the letter to preserve the right of a hearing within five (5) days. A request filed after two (2) days but before the end of the fifth day will preserve the right of a hearing but not the right of a hearing within the five (5) day timeframe; however, the university will make every attempt to hold the hearing as quickly as is reasonably possible. Upon receipt of

the written request, the student conduct authority will contact the director of health services, who chairs the Psychological Review Board, as soon as is reasonably possible to begin hearing proceedings.

The student conduct authority may, under the direction of the vice president for university affairs/designee, refer the case immediately to the Psychological Review Board for a hearing within five (5) working days in cases where suspension from the university and/or removal from a class, program or service may be a possibility. The student conduct authority will send a letter to the student with initial notice of the hearing and state that the student is barred from campus and attending class until the hearing is held and the matter is resolved. The formal notice of the hearing date, time and place and the hearing process will follow the procedures outlined in the Hearing Procedures section of this policy.

If no imminent danger is found, UPD will contact the student conduct authority who may continue under non-emergency procedures.

### **Non-Emergency Procedures**

A student conduct authority can receive a report of an incident from the University Police Department or anyone with knowledge of a student displaying behaviors described in the non-emergency situation definition of this policy. The student conduct authority will begin an initial investigation into the incident that may include interviewing involved parties and seeking input from appropriate professional resources. The student in question will be directed to report to the student conduct authority as soon as is reasonably possible for an initial meeting. At this meeting, student conduct authority will interview the student and make one of the following findings:

- The student's condition is currently such that the student is an imminent danger to self or others. In this case, the student conduct authority will immediately contact UPD to begin emergency procedures.
- The student's condition is currently such that further deterioration could reasonably result in harm or danger to a member of the university community or the condition continues to display significant disruptive behavior. In this case, the student conduct authority will immediately issue an initial notice to the student that a hearing with the Psychological Review Board will be held within the next five (5) working days and will contact the director of health services as soon as is reasonably possible to begin hearing proceedings. The formal notice of the hearing date, time and place and the hearing process will follow the procedures outlined in the Hearing Procedures section of this policy.
- The student's condition is currently such that counseling or other services would benefit the student. The student conduct authority will assist the student in making the necessary referrals. If the student's condition is drug or alcohol related, the student conduct authority will follow the procedures outlined in the Illicit Drugs and Alcohol Abuse (13.11) policy.
- The student's behavior was not related to a serious psychological problem. The case may,

at the discretion of the student conduct authority, be handled through the regular disciplinary procedures outlined in the Student Code of Conduct (10.4).

- The student's condition and behavior is found to require no action.

### **Behavior Intervention Team**

If the Behavior Intervention Team convenes, the meeting will incorporate an individual assessment of the student that includes observations of actions that could indicate safety or code of conduct issues. This assessment includes input from qualified health and mental health professionals to help determine the risk of substantial harm and whether a student is “otherwise qualified” to take classes or remain in the residence halls. The members will also determine if there are reasonable ways to accommodate the student to decrease risk and/or to ensure compliance with policies and the Student Code of Conduct. If no reasonable accommodations can be determined, the student will have a right to a hearing before the Psychological Review Board before a final decision is made to dismiss or withdraw the student. In exigent circumstances, the vice president for university affairs/designee may take immediate measures to suspend the student until a final decision is made.

### **Psychological Review Board Procedures**

#### **Pre-hearing Process**

The chair of the Psychological Review Board will give written notice of the hearing to the student at least three university business days before the date of the hearing. This notice will contain the date, time and place of the hearing; the date(s), time(s), place(s) and a brief description of the behavior in question; and the rights accorded to the student in the hearing. The hearing may be held sooner than three (3) days at the request of the student. The hearing will be closed unless the student requests otherwise. The student conduct authority will be responsible for coordinating the gathering of witnesses and other evidence and delivering a witness list and evidence to the chair.

#### **Hearing Process**

At the hearing, the chair will rule on all procedural matters and the admissibility of evidence. The informal nature of this proceeding does not require strict adherence to formal courtroom procedures or rules of evidence. All parties will be afforded the opportunity for reasonable oral argument, to question any participant present in the hearing, and be permitted to file written briefs.

The student has the right to:

- be present during the presentation of all evidence,
- be accompanied by an advisor,
- present such witnesses and documentary evidence as may be pertinent, and
- cross-examine witnesses offered by other parties.

The record of the hearing will consist of the summary notes of the chair or a secretary appointed by the board, a tape recording or transcription of testimony, along with any exhibits admitted as evidence.

Immediately after the hearing, the board will decide upon a recommendation to make to the vice president for university affairs. The recommendation may include withdrawal of the student from the university or any class, program or service. The recommendation, along with the record, will be forwarded to the vice president for university affairs by the chair as soon as possible, but no later than two (2) university working days from the adjournment of the hearing.

Within three (3) university working days following the receipt of the recommendation of the board, the vice president for university affairs will either concur, in whole or in part, with the recommendation of the board and direct appropriate action to implement the recommendation, or will overrule the recommendation. The vice president will inform the student of the action to be taken and is the final authority in these proceedings.

### **Suspension Procedures**

In cases where a student is suspended from the university under this policy, occurring through failure to accept to the required conditions, failure to request a hearing or through recommendation of the board, the vice president for university affairs will direct the student conduct authority to notify the student in writing that the student is barred from re-enrollment to the university until the required conditions are met. The student conduct authority will place a bar on the student's university account preventing the student from re-enrollment until approval is obtained from the student conduct authority. Other university offices will be contacted as necessary for completion of the suspension.

### **Retention of the Record and Confidentiality**

Any records dealing with an incident of a student displaying serious psychological problems will be held indefinitely by the student conduct authority as a confidential file, apart from disciplinary records, to be released or accessed only by those having legitimate need as defined by state and federal laws.

### **Non-Discrimination**

Decisions under this policy will be made based on observations of a student's conduct, actions and statements and not on the knowledge or belief that a student is an individual with a disability.

**Cross Reference:** Illicit Drugs and Alcohol Abuse (13.11); Student Code of Conduct (10.4)

**Responsible for Implementation:** Vice President for University Affairs

**Contact For Revision:** Dean of Student Affairs

**Forms:** None

**Board Committee Assignment:** Academic and Student Affairs