

University of Maine System

Student Risk Assessment and Safety Intervention Policy

Effective 10 January 2019

I. POLICY STATEMENT

This Policy and procedures described within, establish a process for safety interventions of students who, pose a credible substantial risk of harm to self, to another individual or individuals within the University or to the University community, or substantially impede the lawful activities, educational process, or activities or functions of other members of the University community.

In complying with the letter and spirit of applicable laws and in pursuing its own goals of diversity, the University of Maine System does not discriminate on the grounds of race, color, religion, sex, sexual orientation, transgender status, gender expression, national origin, citizenship status, age, disability, genetic information or veterans status in employment, education, and all other programs and activities. The University provides reasonable accommodations to qualified individuals with disabilities upon request.

The following person has been designated to handle inquiries regarding non-discrimination policies: Director of Equal Opportunity, North Stevens Hall, Orono, ME 04469; voice: (207) 581-1226; TTY 711 (Maine Relay System) email: equal.opportunity@maine.edu.

II. MISSION

The University of Maine System, together with all of its campuses, (the “University”) is committed to maintaining a learning environment where all persons feel safe to carry out the University’s mission and goals. The University is an institution that values the safety of each individual in its community. Each of the University’s seven (7) campuses has developed a Risk Assessment and Safety Intervention Team (the “Team”). The primary mission of each of the seven (7) Team’s is to improve community safety through collaborative, coordinated, objective, and thoughtful approaches to the prevention, identification, assessment, intervention, and management of situations that pose, or may reasonably pose, a threat to the safety, security, and well-being of the campus community and its individual members. Therefore, each Team will review and evaluate all, available and relevant information regarding concerns or issues involving threats to the University community by University students, and will act, as necessary, to protect the community and its members.

III. DEFINITIONS

- A. Chief Student Affairs Officer or designee (“CSAO”): The person responsible for overseeing student life and student services on a University campus.
- B. Public Safety Representative (“Public Safety”): Persons with public safety knowledge and experience and may include those individuals with experience and knowledge with law enforcement.
- C. Counseling Services Representative (“Counseling Services”): Persons with current knowledge and experience with student support services.

IV. PROCEDURES FOR RISK ASSESSMENT AND SAFETY INTERVENTIONS

A. Purpose of and Criteria for a Risk Assessment and Safety Interventions

The procedures for a risk assessment and safety intervention described below establish a fact-based investigative and analytical process for intervening with and assessing the risk presented by students who:

- 1) Pose a credible substantial risk of harm to self; or
- 2) Pose a credible substantial risk of harm to another individual or individuals within the University or to the University community as a whole; or
- 3) Substantially impede the lawful activities, the educational process, or the activities or functions of the University or other members of the University community.

The University shall consider voluntary withdrawal, accommodations, involuntary withdrawal, and will provide students with information about on-campus and off-campus resources and services (for example, Counseling Services, whether or not students have asked about such services) in the local community. Student conduct, judicial, academic or other proceedings may continue even when a student is subject to a safety intervention pursuant to this policy.

B. Interim Safety Interventions

When there is an imminent threat to the health or safety of a student or other individuals, the University may take interim actions, including, but not limited to, interim suspension to protect the well-being of all members of the University community, including contacting the student's parents or other family members, campus Public Safety or local law enforcement. Local law enforcement should be contacted when/if their knowledge of the threat is necessary to protect the health or safety of the student or other individuals.

Interim Suspension

When the University imposes an interim suspension, the University may remove a student from any or all University premises when, in the professional judgment of the CSAO, and considering all reasonably available information, the CSAO determines that a credible substantial threat of imminent harm to the health or safety of an individual or the University community exists. Interim suspension is a preliminary action taken to protect the health and safety of the University community, and is not a penalty. A student suspended on an interim basis shall have a right of review of the interim suspension. The student should submit a written request for review to the President or designee for the campus within two (2) business days from the effective date of the interim suspension. Following receipt of the student's request for review, the President or designee for the campus may either continue or cancel the interim suspension.

An interim suspension may remain in effect until a final decision is made pursuant to the procedures outlined in this policy. If the interim suspension is withdrawn, the procedures described in this policy regarding a safety intervention may still proceed.

If the student is currently under review by the Team, and the student voluntarily withdraws, the Team may still outline terms and conditions for return or readmission based on an evaluation of the following:

- 1) Does the student pose a credible substantial risk of harm to self;
- 2) Does the student pose a credible substantial risk of harm to another individual or individuals within the University or to the University community as a whole; or
- 3) Will the student's behavior substantially impede the lawful activities, the educational process, or the activities or functions of the University or other members of the University community?

If the Team imposes terms and conditions for return or re-admission the procedures in Section VII will be followed.

V. RISK ASSESSMENT AND SAFETY INTERVENTION TEAM

The Team for each campus is responsible for evaluating whether students meet the criteria for a safety intervention.

Each campus' Team will include a representative of the following University departments: (1) CSAO; (2) Public Safety; and (3) Counseling Services. Other campus representatives may be consulted as each particular case will depend upon the specific circumstances. The Team consults as needed with the General Counsel.

In addition to evaluating whether students meet the criteria for a safety intervention, the Team may also act as a resource, consultant, or advisor to any academic department, school, college or program in determining whether an individual is qualified to perform the essential functions of an academic program with or without a reasonable accommodation, and/or to provide other guidance regarding an individual student's access to the University's educational opportunities. Any decision regarding reasonable accommodation will involve the campus office for services for students with disabilities.

VI. SAFETY INTERVENTION PROCESS

Before the University considers safety interventions, either on or off-campus, Counseling Services or other available resources may be recommended. Involuntary withdrawal will be considered after other safety interventions have been explored and the student will be notified that the possibility of an involuntary withdrawal is being considered.

Any member of the University community who has reason to believe that a student poses a violent threat or other imminent threat to public safety should contact campus public safety or local law enforcement.

Any member of the University community who has reason to believe that a student poses a credible substantial risk of harm to self, to another individual or individuals, and/or the University community and thus may meet the criteria for a safety intervention are encouraged to contact the Student Affairs or Public Safety for their campus who will conduct an informal review of the information presented. All reports made pursuant to this policy will be handled in as confidential a manner as possible, with information released only on a need-to-know basis in accordance with applicable federal and state laws and regulations.

Upon completion of the review, the Team may recommend to the campus CSAO that a student be subject to a safety intervention for reasons under the criteria set forth in Section B above. In determining whether the student presents a credible substantial risk of harm to self, another individual and/or the University community, the CSAO will make a decision based on reasonable judgment that relies upon the best available evidence to ascertain:

- 1) The nature and duration of the risk;
- 2) Severity and immediacy of the risk;
- 3) The probability that potential injury and/or harm will occur;
- 4) Whether the student substantially impedes the educational process or functions of other members of the University community;
- 5) Whether reasonable modifications of policies, practices or procedures could significantly mitigate the risk; and
- 6) The University may consider the impact of the student's behavior on others in the community.

The student, the student's representative and/or a student's treatment provider shall be given an opportunity to provide information and their input will be given consideration. To enable careful, individualized consideration, the student may need to sign a release authorizing disclosure of relevant information by and between treatment providers working with the student and the appropriate University official(s). In making the individualized assessment, the University may also require the student to undergo an evaluation, including a medical or psychological evaluation, by an independent and objective health professional designated by the University, at the University's expense.

Inherent to this decision-making process is the University's commitment to consider an individual's past and ongoing behavior, which may have contributed to the risk of harm that is in question. The CSAO may seek the assistance of the Team or other resources, as needed, to determine if the student is a qualified individual with a disability and whether a reasonable accommodation will allow that student to meet his/her essential academic and College community responsibilities, while sufficiently mitigating the risk of harm and maintaining a safe college environment for all students. This determination shall also evaluate whether such accommodation can be provided without fundamentally altering the essential functions of the educational program provided by the University, or lowering academic standards, and/or creating undue hardship to the University.

The CSAO may communicate with essential personnel regarding the proposed plan and will take necessary steps to ensure its implementation and/or any necessary monitoring.

Once the CSAO makes a final determination on whether the student will be subject to a safety intervention, the CSAO will provide the student written notification of the decision and any rights of review available to the student.

If a student is subject to a safety intervention pursuant to this policy, to the extent appropriate and practicable, terms and conditions for return or readmission may be specified in writing by the University.

VII. REQUEST FOR REVIEW

A student who is subject to a safety intervention pursuant to this policy may make a written request to the campus President or designee, to review the determination. The written request for review must be received by the President or designee for the campus within seven (7) calendar days after the student has received notice of the safety intervention determination.

The President or designee shall conduct the review within five (5) business days of receipt of the written request.

The student and/or their advisor or legal counsel will be provided by the Team or the individual recommending the safety intervention with the following prior to the review:

- 1) A written statement providing a detailed explanation of the reasons for the safety intervention and the information relied upon; and
- 2) The opportunity to review the evaluations relied upon by the CSAO.

For the review process, the student may be assisted by an advisor, which may include a parent or guardian, a health professional of the student's choice, legal counsel, and/or a faculty or staff member. The student will be permitted to be heard, to present relevant witnesses, and information to dispute the reasons for the intervention or the information relied upon by the CSAO in making the determination. The student or the student's representative shall provide in writing to the President or designee any witnesses and the subject matter of their expected testimony three (3) days in advance of the informal proceeding. The President or designee has ultimate discretion to determine which witnesses may appear and testify at the informal proceeding based on the relevance and necessity of their expected testimony.

Following the review, the President or designee shall determine whether to (a) uphold the safety intervention; (b) reinstate the student; or (c) reinstate the student subject to specified conditions.

The decision of the President or designee shall be final.

VIII. RETURN TO CAMPUS

A student who has been suspended or withdrawn pursuant to this policy, either voluntarily or involuntarily, who wishes to be considered for return to campus or re-admission shall contact the campus CSAO and provide appropriate documentation that demonstrates compliance with the terms and conditions of their return or supports their readmission.

The CSAO or designee will review the request for return or readmission as follows:

- 1) Review and investigate compliance with the terms and conditions of return or readmission;
- 2) Consult with the appropriate academic unit to determine whether the student is eligible for return or readmission based upon the student's academic record and the policies, practices, and standards of the academic program;
- 3) Consult with appropriate members of the Team;
- 4) Conditions for return or reasonable accommodations requested by the student must be individually tailored;
- 5) Consider any additional information or documentation presented by the student in support of return or readmission; and
- 6) Meet with the student.

A student denied return or readmission pursuant to this policy may make a written request to the President or designee for review of their readmission or no-return determination. In no event will the same individual, who served on the initial decision, conduct this review. This review will follow the same procedures as outlined in Section VII of this policy.