

19 ADMINISTRATIVE SEPARATION AND PROCEDURES FOR READMISSION

The University of New Hampshire reserves the right to take reasonable and appropriate action to protect the safety and well-being for the campus community. This may involve disciplinary action or involuntary administrative separation.

19.1 Administrative Separation for Off-Campus Criminal Charges

The University finds that when a student faces a serious criminal charge, the process of defending against the charge can impose significant anxiety and substantially interfere with the student's academic progress. When a student is charged with a felony crime or a crime with a maximum sentence of over one year and the charge relates to homicide, assault, sexual assault, burglary, criminal threatening, fraud, distribution of illegal drugs, possession of substantial quantities of illegal drugs, or crime of violence, the student may be administratively separated from the University pending resolution of the criminal charge or charges. During the period of separation, the student's access to campus will be restricted. The Associate Dean of the student's college will be notified and, in turn, will notify the student's faculty of the separation.

If initiating an administrative separation process as described above, the Dean of Students or designee (Dean of Students) will send a letter to the student with notification of the separation and invite the student to meet. The purpose of the meeting will be to provide the student with an opportunity to challenge the separation and to request reconsideration. If the student does not schedule a meeting within ten calendar days of receiving the letter, the separation will become an administrative withdrawal. If the student does request a meeting within ten calendar days of receiving the letter, that meeting will be scheduled as promptly as possible and the Dean of Students will communicate the outcome of that meeting within three calendar days.

If the administrative separation is upheld by the Dean of Students, the student will have the opportunity to appeal to the Senior Vice Provost for Student Life who may grant the student's request to continue their studies when an error has been made in determining that the student should be separated, or in extraordinary cases where there is no evidence that the student presents any risk of harm or criminal behavior to the University community. The appeal request must be received by the Senior Vice Provost for Student Life by no later than five calendar days after the student receives the letter from the Dean of Students. If the student does not appeal to the Senior Vice Provost for Student Life the administrative separation will be changed to an administrative withdrawal. The Associate Dean of the student's college will be notified and, in turn, will notify the student's faculty of the administrative withdrawal.

If the student does choose to appeal to the Senior Vice Provost for Student Life, the decision on that appeal will be communicated in writing to the student within three calendar days. At that time, the Associate Dean of the student's school or college will be notified and in turn will notify the student's faculty of the final outcome of the process which could be either administrative withdrawal or lifting of the administrative separation.

Students who withdraw for reasons of pending criminal charges, whether voluntarily or are separated by administrative action, must apply for readmission through the Office of Undergraduate Admissions or the Graduate School. Readmission will be contingent upon receipt by the appropriate Director(s) or their agents of documentation regarding the outcome of any criminal proceedings. This policy does not preclude the University from taking appropriate conduct action. (*ad*)

19.2 Administrative Separation and Reinstatement for Reasons of Health-Related Behaviors

The Dean of Students or designee (Dean of Students), in consultation with members of the Behavioral Intervention Team and the Dean of the Graduate School or designee in the case of a graduate student, may initiate a process to temporarily separate a student from the University for reasons relating to concerns with a student's mental/physical health. Through the Administrative Separation Process, the Dean of Students may determine that a student will be temporarily separated from the University, or that they may remain at the University only if certain conditions are met. The Administrative Separation process may be used when a student's behaviors:

1. pose a direct threat of harm to the health or safety of other members of the University community, and/or
2. substantially disrupt the ability of other University community member(s) to fulfill the University's mission, the educational process, or the proper activities or functions of other members of the University community.

The following sections describe the overall process:

Initial Report

The Dean of Students may become aware of concerns about a student's behavior in different ways. Upon receiving information that indicates an Administrative Separation may be appropriate, the Dean of Students will conduct an individualized assessment in consultation with members of the Behavioral Intervention team in consideration of the advice or recommendations of any available health care providers to determine next steps. Next steps could include; (1) taking no further action, (2) notifying the student and encouraging the student to consider a health leave, (3) imposing an interim action, and/or (4) initiating the Administrative Separation Process.

Notification

If the Dean of Students continues to have concerns about the health and safety of members of the University community or disruption of the University community after evaluating the initial report, the Dean of Students will seek to notify the student as soon as possible to share information about the [health leave of absence process](#) and give the student the opportunity to respond and provide additional information.

At any point in the process, the student may take a voluntary health leave of absence. More information about the health leave of absence process can be found at <https://www.unh.edu/health-leaves>. If a student takes a health leave of absence, the Dean of Students may require additional steps to be taken when the student seeks to return including gathering additional feedback from the student's treatment provider about the student's ability to return without posing a direct threat to the health and safety of other members of the University community or causing substantial disruption to the University community.

Interim Action

In circumstances where the student's behaviors may indicate time-sensitive concerns about the health and safety of members of the University community or disruption to the University community that seem unable to be addressed through the implementation of reasonable accommodations, the Dean of Students may take an interim action to protect the health and safety of the community or prevent disruption. Interim actions include, but are not limited to, restricting a student's access to campus or parts of campus or instructing a student not to contact certain member(s) of the community.

A student subject to an interim action will be notified in writing of the restriction. If an interim action restricts a student's access to their educational opportunities, the notice will describe the student's ability to appeal the interim action. An appeal may be submitted within three business days from receipt of the initial notice. Appeals will be reviewed by the Senior Vice Provost of Student Life or designee (Senior Vice Provost of Student Life) and will be evaluated based on if the interim action is reasonably necessary to protect against a direct threat to the health and safety of member(s) of the University community or prevent substantial disruption to the University community. Interim actions may remain in effect while an appeal is considered.

Implementing an Administrative Separation

If the student declines to take a voluntary health leave and the Dean of Students continues to have information supporting a potential concern about the health and safety of members of the University community or disruption to the University Community, the Dean of Students may initiate the Administrative Separation process by taking the following steps:

1. The Dean of Students will notify the student including providing a summary of the information, reiterating the student's opportunity to take a voluntary health leave, and encouraging the student to provide any other additional information that the student believes is relevant to the determination. The Dean of Students will provide a deadline for the student to provide this information, typically five business days from receipt of the notice
2. After the student has had the opportunity to provide additional information, the Dean of Students in consultation with members of the Behavioral Intervention Team will determine whether, and what, reasonable modifications or conditions can be implemented that would be effective to allow the student to continue to attend classes and otherwise participate in its educational programs
3. The Dean of Students will notify the student of the outcome of the individualized assessment including the basis of the determination. Possible outcomes include that the student:
 - a. may continue at UNH with no conditions, restrictions, or modifications.
 - b. may remain at UNH subject to conditions, restrictions, or modifications.
 - c. will be separated from the University.

The Dean of Students may also impose administrative separation if the student rejects the reasonable modifications and/or conditions.

If the student is being separated, the notification will include information about the earliest the student may seek reinstatement, any conditions on reinstatement, and the process for seeking reinstatement. Students may request an earlier return date by contacting the Dean of Students who will consider the request, conduct an individualized assessment based on

the available information, and determine if the request will be granted or denied.

The outcome will be effective immediately and may remain in effect pending the outcome of any appeal. The student may not attend class, will be required to move out of any University housing, and may be banned from campus.

appeal

If the student is being separated or their attendance is subject to conditions or modifications, the notification will include information regarding the student's right to appeal with the Senior Vice Provost for Student Life within five business days of the final decision. The appeal must be made in writing, must be submitted to the Senior Vice Provost for Student Life, and must state the basis for the appeal. Reasons that an appeal would be considered include 1) that there is new information available or (2) that the separation is not reasonably necessary in order to protect against a direct threat to the health and safety of members of the community or prevent substantial disruption to the community. The Senior Vice Provost for Student Life will review the request and the complete record as compiled by the Dean of Students and may request a meeting with the student. Upon completion of the review, the Senior Vice Provost for Student Life will notify the student in writing of their decision to grant or deny the appeal.

If no appeal is submitted for a student who is administratively separated or the appeal process completes and a separation remains in place, the Associate Dean of the student's school or college will be notified and in turn will notify the student's faculty of the final outcome.

returning after a separation

Students who are administratively separated must apply for readmission through the Office of Undergraduate Admissions or the Graduate School. Readmission may be granted to qualified students contingent upon certain conditions that could include receipt of documentation from a licensed treatment provider, the student agreeing to engage in ongoing treatment, and/or the student meeting with the Dean of Students.