

ADMINISTRATIVE SEPARATION

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.

I. 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 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 no later than five calendar days after the student receives the letter from the Dean of Students. If the student does not appeal, 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, 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.

II. Administrative Separation and Reinstatement for Reasons of Health-Related Behaviors

The Dean of Students (or their designee), in consultation with members of the Behavioral Intervention Team (herein referred to as 'the BIT') may initiate a process to temporarily separate a student from the University for reasons relating to concerns with a student's mental or physical health concerns. BIT membership may be broadened or modified to ensure there's representation from relevant campus departments, the Graduate School, or component campus.

This is an administrative process; it is not a disciplinary process. This policy and these procedures are not intended to be punitive and do not take the place of disciplinary actions that are in response to violations of the Code of Conduct or university policy, nor do they preclude the removal or separation of students from the University as a result of another university process.

To the extent possible, the University will provide a range of resources, support services, and accommodations through Student Accessibility Services for otherwise-qualified students experiencing physical or mental health concerns to assist the student in meeting the essential academic and university community responsibilities.

The Dean of Students may be notified about a student who may meet the criteria of an involuntary leave of absence from a variety of sources.

The Dean of Students may initiate the Administrative Separation process when there is reasonable basis to believe that a student's behavior:

1. Poses 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 members to fulfill the University's mission, the educational process, or the proper activities or functions of other members of the University community.

Interim Actions and Restrictions

Nothing in this policy limits the University's authority to take interim action to ensure the safety of its community. In circumstances, where threats to others or self-injurious behaviors cause a significant disruption to the community and implicate provisions of the Code of Conduct, a student may be subject to interim actions and restrictions during the pendency of a preliminary review and determination. Imposition of such action will follow the procedures outlined in Article IV of the Code of Conduct.

Nothing in this policy limits the Dean of Students from issuing reasonable, non-disciplinary directives or time-limited partial restrictions that do not substantially impair a student's ability to access their education. Examples may include directing a student to avoid contact with specific individuals or temporarily restricting access to areas of campus not essential to their academic participation. These actions are intended to support campus safety and well-being and are not considered disciplinary in nature.

Preliminary Review

The Dean of Students will facilitate a preliminary review to determine if the facts which gave rise to the review, trigger the application of this policy. A preliminary review may lead to:

1. No further action;
2. Referral to the appropriate support services and resources;
3. Meeting with the student and encouraging them to voluntarily take a Health Leave of Absence of their own accord; or
4. Initiation of the Administrative Separation process.

At any point in the process, the student may take a voluntary health leave of absence. 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.

The student has the right to be assisted by an advisor of their choosing throughout this process and at the hearing. The role of the advisor is to provide support and assistance in understanding and navigating this process. All communication is made directly with the student. The process will not be unreasonably delayed to accommodate the schedule of the advisor.

Notification of Review

If the student declines to take a voluntary health leave, the Dean of Students will notify the student of such review, and consider all germane information, including relevant information provided in a timely manner by the student, to determine if administering the Administrative Separation process is necessary. The Dean of Students will schedule a reasonable deadline for submission of relevant information and the manner in which information may be shared.

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 information, the Dean of Students, in consultation with members of the Behavioral Intervention Team, will facilitate an individualized, objective risk assessment. Such assessment may also factor advice or recommendations of available healthcare providers prior to determining next steps. Possible outcomes may include that the student:

1. May continue at UNH without conditions, restrictions, or modifications;
2. May continue at UNH subject to reasonable conditions, restrictions, or modifications; or
3. Will be separated from the University.

Determination

The Dean of Students will provide a brief summary of the review and the outcome of an individualized assessment to the student, including the basis of the determination, and a description of the requirements for the student to remain on campus if relevant. Unless otherwise stated, the outcome will go into effect immediately, pending outcome of any appeal. Failure to adhere or agree to any conditions, restrictions, or modifications may result in the student being separated. In certain circumstances, imposition of a campus ban may accompany notice of an administrative separation.

If the student is being separated, the notice will also include the duration of the separation, conditions levied prior to or upon return, and the steps that the student must take to petition for 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.

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 the decision within five business days after receipt of the decision.

The appeal must state the basis for the appeal and will only be considered on one or more of the following bases:

- **Procedural Error.** A procedural irregularity that significantly affected the outcome including a conflict of interest or evidence of bias on the part of the Dean of Students that would prevent them from being able to make an objective decision; deviations from the designated procedures will not be a basis for sustaining an appeal unless the error had a prejudicial effect on the hearing results.
- **New Evidence.** Discovery of substantial new evidence that was not known nor available at the time of the hearing and that would, with high probability, have affected the outcome.
- **Sufficiency of Evidence.** To determine if information is present that would indicate that the separation is 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.

If no appeal is submitted for a student who is administratively separated or the appeal process completes and 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 which is final and non-reviewable.

Administrative duties and responsibilities with respect to convening this leave process and maintaining its records rests with the Dean of Students or their designee.

Returning After a Separation

Students who are administratively separated must apply for reinstatement through the Dean of Students. Reinstatement 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.

Records

Information regarding recordkeeping related to administrative separation may be found in the Behavioral Intervention Team policy in this handbook.