

**University of Georgia (“University” or “UGA”) Behavioral Assessment and Response Council (“BARC” or the “Council”)**

**Policy and Procedures**

**Approved by University Cabinet: November 3, 2011**

**Last Modified: July 2019**

- I. Purpose:** BARC serves to promote the safety and effectiveness of University students and the University community, primarily through the coordination and analysis of information regarding students who may pose a threat to any member(s) of the University community (including a risk of self-harm) or to others. When BARC determines threatening behavior is present, it may make use of intervention and support tools designed to mitigate threatening behavior and promote the safety of the University community. In meeting this purpose, BARC balances the individual rights and needs of University students and the shared needs of the University community, taking appropriate intervention and support steps for each individual case based on the circumstances presented and BARC’s authority granted hereunder.
- II. Authority:** BARC is authorized to act on behalf of the University to investigate and take appropriate steps to address behavior by the University’s student(s) that BARC determines may represent a threat to the health and safety of member(s) of the University community (including a risk of self-harm), and/or to other individuals, regardless of where such behavior occurs. This authorization includes the authority:

  - a. to request and receive, directly or indirectly, and from any source, referrals and other information regarding students who exhibit behavior that may present a threat to health and safety;
  - b. to determine whether additional information is needed regarding such behavior and to investigate and obtain such additional information (which shall include the authority to require students to provide BARC with access to information from care providers);
  - c. to share information with, and coordinate intervention and support measures with, other units on campus, including but not limited to the Office of the Dean of Students, the UGA Police Department, the Office of Student Conduct, and the Equal Opportunity Office;
  - d. to impose one or more of the intervention measures detailed in Section V; and
  - e. to impose one or more of the support measures detailed in Section VI.
- III. Structure of the Behavioral Assessment and Response Council:**

  - a. *Chair and Co-Chair of BARC.* The President of the University or their designee shall appoint one of the permanent members of BARC as the Chair of BARC. The Chair of BARC shall appoint one of the permanent members as the Co-Chair.

Any action that can be taken by the Chair may be taken by the Co-Chair in the Chair's absence.

- b. *Permanent Membership.*** BARC shall consist of at least five (5) permanent members, with at least one member coming from the Office of the Dean of Students and one member coming from the University Police Department. Permanent members may be invited to join or be removed at the discretion of the Chair and/or Co-Chair and with the advice of the other permanent members. A representative from the Office of Legal Affairs and a representative from Counseling and Psychiatric Services shall serve as permanent advisors to the Council.
- c. *Temporary Membership.*** BARC may request the attendance of other employees of the University at regular or special meetings in circumstances where such employees' knowledge and /or expertise will assist BARC in fulfilling its purpose.
- d. *Alternate Members.*** Each permanent member may select another individual from their unit or department to serve at meetings when the permanent member cannot attend, provided that such alternate member shall be approved by the Chair and/or Co-Chair of BARC.
- e. *Case Management.*** Student Care & Outreach will designate a case manager to support the work of BARC and coordinate communication between students and members of BARC.

#### **IV. Meetings:**

- a. *Regular Meetings.*** BARC will meet on a regular basis as determined by the Chair and/or Co-Chair.
- b. *Special Meetings.*** The Chair and/or Co-Chair each have the authority to convene a special meeting of BARC whenever necessary to fulfill BARC's purpose.
- c. *Participation.*** Members of BARC may attend meetings in-person, telephonically, or by any other means which allows for all parties to actively participate in the meeting.
- d. *Conduct of Meetings.*** The Chair and/or Co-Chair, or designee(s), shall convene and conduct meetings according to such rules, procedures, and practices as BARC shall establish from time to time for the conduct of meetings.
- e. *Adoption of Measures.***

  - i. *Regular and Special Meetings.*** During a meeting, BARC shall review individual student cases that have been brought to BARC, such case review to consist of (i) a review of the available information regarding a student's behavior, (ii) a discussion of what additional information, if any,

is needed regarding the student's behavior and how to best collect such information, and (iii) whether, based on the information available at the time of the meeting, the student's behavior represents a threat to the health and safety of such student, to other members of the UGA campus community, and/or to other individuals. In the event that BARC determines that an individual does pose a threat, BARC shall adopt one or more intervention measures and/or support measures tailored to mitigate such threat.

ii. *Authority to take Immediate Action.*

1. *Imposition of Measures.* In the event that (i) the Chair and/or Co-Chair, or a designee, become(s) aware of behavior by a student that, in the sole determination of the Chair, Co-Chair and/or designee, represents an immediate threat to health and safety, and (ii) the convening of a special meeting to consider the behavior is not feasible, the Chair, Co-Chair, and/or designee, shall have the authority on behalf of BARC to adopt one or more intervention measures and/or support measures to mitigate such threat. The period of time for appeal of such measures, if applicable, will begin to run on the date of adoption of such measures by the Chair, Co-Chair, and-or designee.
2. *Modification and Removal of Measures.* With respect to a student for whom BARC has adopted one or more intervention and/or support measures, should the Chair and/or Co-Chair, or a designee, become aware of circumstances that warrant the modification or removal of such measures, whether due to the availability of new information or otherwise, the Chair, Co-Chair, and/or designee, shall have the authority on behalf of BARC to modify or remove such intervention and/or support measures as appropriate.
3. *Ratification of Measures.* The imposition, modification, or removal of measures adopted under this Section IV(e)(ii) shall be submitted to BARC at the next regular or special meeting for review and approval.

- f. *Notice of Adopted Measures.* Intervention and/or support measures adopted by BARC shall be communicated as promptly as possible given the circumstances and considerations of a student's safety and wellbeing. Unless otherwise provided in Sections V and VI below, adopted measures shall take effect immediately upon adoption by BARC. Unless circumstances require an alternative form of notice, BARC shall communicate the adoption of any measures to the student in the form of a letter from the Chair and/or Co-Chair of BARC on behalf of BARC. Such communication shall be made by the method or methods BARC considers most likely to be effective in providing actual notice to the student, and may include notice by email, telephone, hand delivery, or registered mail.

- V. Intervention Measures:** If BARC determines that a student's behavior poses a threat to the health and safety either of any member(s) of the University community (including a risk of self-harm), and/or to other individuals, BARC shall have the authority to take one or more of the intervention measures set forth in this Section V, with such measure(s) tailored to mitigate the threat posed by such student's behavior:
- a. Account Holds** – BARC may place a hold (a “BARC Hold”) on a student's account that will prevent the student from registering for or withdrawing from classes. A BARC Hold may be employed alone or in conjunction with other measures within BARC's authority.
  - b. Independent Evaluations** – In certain circumstances, BARC may require the student to participate in an independent medical or psychological evaluation at the University's expense. Such evaluation will be requested by BARC in circumstances where additional, expert advice is considered necessary to BARC's consideration of the available information concerning the threat posed by a student's behavior. Such evaluation shall be a record of BARC, subject to applicable privacy and confidentiality restrictions.
  - c. Tailored Interventions** – BARC may impose conditions and/or restrictions on a student's access to the University's campuses and/or participation in University activities. These intervention measures shall be tailored to mitigate the threat posed by such student, and to promote the safety and well-being of the student, the University community, and/or others. Such restrictions could include, without limitation: (i) no-contact restrictions with specific individuals or offices, (ii) modifications to University housing assignment; (iii) restrictions or bars to entering specific University property or facilities; (iv) changes to academic or employment arrangements, schedules or supervision; and/or (v) restrictions from University-related activities and events, on or off campus.
  - d. Temporary Restriction** – In the event BARC determines the threat of harm posed by a student's behavior represents an immediate, direct threat based on the information available at the time, BARC may restrict the student on a temporary basis. A temporary restriction is intended to mitigate the threat posed by such student's behavior by separating the student from the University community on an interim basis and by providing the University with time to gather additional information regarding such student's circumstances and the ongoing likelihood of harm to members of the University community (including a risk of self-harm) or other individuals. A determination by BARC that a student poses an immediate, direct threat means that BARC: (i) has conducted an individualized, objective assessment of the student's behavior based on specific knowledge and evidence, and (ii) has concluded on the basis of such assessment that (x) the student displays a high probability of harm to member(s) of the University community (including a risk of self-harm) or other individuals, and (y) such probability of harm is not simply a speculative risk.

- i. *Effect:* During a temporary restriction, the student shall be denied access to all of the University's campuses (including classrooms and residential buildings) and all other University activities or privileges for which the student might otherwise be eligible, including participation in coursework and communications with University faculty or staff. Notwithstanding the foregoing, the student will be permitted to communicate via email and telephone with BARC and will be permitted on campus for scheduled meetings approved in advance by the BARC Chair and/or Co-Chair. A student who has been temporarily restricted will also have a BARC Hold placed on their account.
  - ii. *Duration:* Temporary restrictions have no set duration, as they are imposed to mitigate an immediate, direct threat posed by a student. Nonetheless, a temporary restriction shall not be imposed for any longer than is, in BARC's sole determination, necessary to determine that a student no longer poses a threat. As a result, a temporary restriction shall remain in effect until:

    1. BARC determines that the reasons for imposing the temporary restriction no longer exist, which determination may include consideration of whether the student is in compliance with any other measures adopted by BARC; or
    2. BARC determines, based on subsequent information received or actions of the student, that the student should be administratively withdrawn, in which case the temporary restriction shall lapse upon the effectiveness of the administrative withdrawal; or
    3. The student ceases to be eligible to enroll as a student at the University, in which case the temporary restriction will be lifted upon the student's becoming ineligible to enroll, provided, however that (i) the BARC Hold will remain in place on such student's account, and (ii) the student shall continue to be barred from any of the University's campuses until such time as BARC determines that the reasons for having imposed the temporary restriction no longer exist. Reenrollment following a student's becoming ineligible to enroll is subject to Section VII, below.
- e. **Administrative Withdrawal** – In the event BARC determines that: (i) a student poses a risk of harm to any member(s) of the University community (including risk of self-harm), and/or to other individuals, and (ii) such risk of harm cannot be accommodated (including a determination that such student is unable or unwilling to carry out substantial self-care obligations and poses an actual risk to their own safety not based on mere speculation, stereotypes, or generalizations), and the student does not initiate a withdrawal voluntarily, BARC may administratively withdraw a student.

i. *Effect:*

1. An administrative withdrawal results in the student's immediate disenrollment from all courses in which the student is enrolled. The student's transcript will indicate that the student has been withdrawn from such courses.
2. To the extent a student has already registered for courses for a subsequent semester, BARC may drop the student from such courses, either with the student's assistance or without if deemed necessary by BARC.
3. BARC shall also place a BARC Hold on such student's account.
4. An administrative withdrawal shall also result in the denial of access to all of the University's campuses (including classrooms and residential buildings) and all other University activities or privileges for which the student might otherwise be eligible, including participation in coursework, communications with University faculty or staff, or other activities in which the student would be allowed to participate because of their status as a student of the University. Notwithstanding the foregoing, the student will be permitted to communicate with BARC and will be permitted on campus for scheduled meetings approved in advance by the BARC Chair and/or Co-Chair.

- ii. *Duration:* A student's withdrawal from classes is immediate. Reenrollment following an administrative withdrawal is subject to Section VII, below. Other restrictions imposed together with the administrative withdrawal shall have the duration set forth in the notice to the student.

- f. **Appeal:** A student may appeal BARC's decision to impose a tailored intervention, temporary restriction, or administrative withdrawal within five (5) business days of BARC's adoption of such measure, though BARC may provide additional time in the case of exigent circumstances (such as a student's hospitalization or incarceration). The appeal should be submitted in writing to the Vice President for Student Affairs, or their designee, and may be accompanied by any evidence the student deems relevant to the matter (which may include, but is not limited to, witness statements, written reports, and other applicable documentation). The BARC action being appealed will remain in effect pending the outcome of the appeals process. The Vice President for Student Affairs, or their designee, shall review the appeal and issue a decision in a timely manner, and such decision shall be considered final at the institutional level.

- VI. Support Measures:** If BARC determines that a student's behavior poses a threat to the health and safety of members of the UGA campus community (including a risk of self-harm), and/or to other individuals, BARC shall have the authority to take one or more of

the support measures set forth in this Section VI. Such measure(s) are intended and must be tailored to mitigate the threat posed by such student's behavior through ongoing monitoring and assurance that such student is attending to their own health and wellbeing:

- a. **Mandatory Meetings** – BARC may require that the student attend regular meetings with University staff, including employees in the Office of the Dean of Students. The frequency and content of such meetings shall be at the discretion of BARC.
- b. **Releases of Information** – BARC may require that the student provide BARC with releases of information (“ROIs”) with care providers, family members or others with whom BARC’s communications may otherwise be restricted under privacy and confidentiality laws. BARC may require that students keep such ROIs up-to-date and active during a period of time sufficient for BARC to determine whether the student continues to represent a threat to themselves or others.
- c. **Care Provider Updates** – In certain circumstances, BARC may require that the student work with care providers to provide BARC with summary, non-diagnostic information regarding the student’s health and wellbeing, compliance with treatment recommendations, and such other information as the care provider deems relevant to BARC’s determination of the threat presented by the student’s behavior.

**VII. Readmission or Reenrollment of Students with BARC Holds:** Students who are precluded from reenrolling due to a hold, including a BARC Hold, or have ceased to be eligible for reenrollment in classes with the University, and now wish to reenroll or be readmitted to the University must follow the relevant University procedures with respect to any holds on their accounts that may restrict their reenrollment or readmission. In the case of a BARC Hold, such hold shall only be lifted at BARC’s direction. BARC’s determination to lift a BARC Hold placed on a student’s account will depend on whether (i) the circumstances that resulted in the imposition of the BARC Hold have abated, and (ii) the student continues to represent a threat to the health and safety of member(s) of the University community (including a risk of self-harm), and/or to other individuals. In making such a determination, BARC may consider the student's demonstration of a period of stable behavior outside of the University, the satisfactory fulfillment of any expectations placed upon the student by BARC, and any other relevant information BARC requests from the student. Upon the student’s readmission or reenrollment, BARC may require the student to comply with additional support measures for some period of time.

**VIII. Records and Confidentiality:** Notes, minutes and records pertaining to BARC, BARC meetings and any proceedings stated above shall be subject to all applicable state and federal laws including, but not limited to, the Family Educational Rights and Privacy Act and the Georgia Open Records Act. All records deemed confidential (e.g. protected health/mental health information) shall be treated as such and shall not lose such protection by virtue of being addressed within BARC meetings.

**IX. Adoption and Amendment:** The policies and procedures governing BARC have been formally adopted by approval of the University Cabinet. BARC may propose amendments to its policies and procedures at any time through the Chair and/or Co-Chair. Amendments that constitute a material expansion or change in BARC's purpose, authority, or procedures shall be submitted for adoption by the University Cabinet. Amendments that do not constitute a material change in BARC's purpose, authority, or procedures may be reviewed and approved by the Vice President for Student Affairs.