

Policy Name: Students with Impairments

Approval Authority: RBHS Chancellor

Originally Issued: 11/1/1988

Revisions: 1/27/2009, 4/22/13

1. **Who Should Read This Policy**

All Rutgers University students within Robert Wood Johnson Medical School, School of Health Related Professions, Rutgers School of Dental Medicine, New Jersey Medical School, Graduate School of Biomedical Sciences, School of Public Health, and School of Nursing (former UMDNJ School of Nursing).

2. **Related Documents (refer to policies.rutgers.edu for additional information)**

- A. Disabilities and Students/Applicants
- B. Student Essential Functions
- C. Family Educational Rights and Privacy Act
- D. Student Intervention Coordination
- E. Student Involuntary Leave of Absence and Involuntary Withdrawal
- F. Student Rights, Responsibilities and Disciplinary Procedures

3. **The Policy**

DEFINITION

An impaired student is one who is unable to participate within the University community with requisite skill and safety. This impairment may be due to substance and/or alcohol abuse or dependency, mental disorder, or other medical disorders. Signs and symptoms of such impairment could include, but are not limited to, a pattern of the following:

- unusual or inappropriate behavior
- negative changes in academic performance
- frequent or unexplained absences and/or tardiness from academic responsibilities
- frequent or unexplained illnesses or accidents
- conduct which may constitute violations of law, including citations for driving while impaired
- significant inability to contend with routine difficulties and act to overcome them.

Impairment does not necessarily imply that a student has a disability. "Disability" is defined in Rutgers University policy, Disabilities and RBHS Students/Applicants which establishes Rutgers University policy regarding RBHS students with disabilities.

POLICY

- A. Physical and mental disorders and alcohol and other drug abuse or dependencies are often treatable. It is the policy of the University to assist students with impairments (as defined above) in obtaining treatment, when such assistance does not adversely affect the University's ability to safeguard the public health and effectively discharge its missions. Each **RBHS** School's Student Affairs administrators, faculty and students should be aware of all existing resources to identify and, when appropriate, attempt to assist students with impairments.
- B. If impairment is caused by a disability, it shall be the student's obligation to comply with University policy and any applicable School procedures with regard to requests for accommodation.
- C. Impairment of students due to substance abuse and other forms of mental and physical disorders adversely affects all aspects of the University's missions. These disorders may impair learning and/or academic performance including the provision of patient care. Conduct related to impairment may be sufficient grounds for disciplinary action, including dismissal, or involuntary leave of absence or involuntary withdrawal, and may require immediate action to protect the health and safety of others.
- D. Where an incident may involve a violation of Federal, state or local law, the Office of General Counsel should be consulted to determine whether there is an affirmative duty to report that violation or take other action.

PROCEDURES

- A. Rutgers University shall maintain readily available resources for assisting students with impairments, including the Student Health Centers and the Student Wellness Program. In addition, the Schools shall establish Student Assistance Facilitators, in accordance with Section of this policy and procedure.
- B. The Student Health Centers and the Student Wellness Program shall be available to identify and, when appropriate, assist students with impairments, either through treatment or referral to other appropriate resources. The Student Assistance Facilitators shall be available to identify and, when appropriate, assist students with impairments through referral to other appropriate resources.
- C. Sources of referrals and reports concerning student impairment may include:
 - self-referral
 - other students and colleagues
 - parents, spouse, other family or household members
 - faculty and faculty committees on student affairs
 - Student Affairs administrators and other staff of the School
 - health professionals with knowledge of the student from other treatment programs, especially when the student has failed to follow or complete the previous program
 - Patients
 - Public Safety/law enforcement agencies
- D. If clinical evaluation/treatment is considered desirable, the RBHS School in which the student is enrolled shall transmit to the provider, through the Rutgers University resource assisting the student (e.g. the referring Student Health Centers, Student Wellness

Program or Student Assistance Facilitator) information describing statements or conduct by the student which suggests or indicates potential impairment, accompanied by a description of the essential functions required of the student, including any patient care responsibilities. (See EXHIBIT for example of transmission letter.)

- E. The RBHS School in which the student is enrolled may inform the referring resource that the student is required to consent to disclosure by the health care resource of any diagnosis, treatment recommendations and evaluation of fitness to perform the essential functions of the program to the School, either through the Student Wellness Program, Student Health Center, Student Assistance Facilitator or directly to the Dean. If the student refuses to consent to disclosure, the Student Health Center, Student Wellness Program or Student Assistance Facilitator shall inform the Dean or designee, and the Dean may take other actions pursuant to Rutgers University or School policies (e.g. disciplinary action, involuntary leave of absence or withdrawal) to protect the health and safety of the University community and/or to uphold the academic standards of the School.
- F. In order to supplement Rutgers University resources designated in Section VII-A, bring previously unidentified impaired students into treatment, and accomplish identification and treatment earlier in the course of these disorders when the prognosis for successful rehabilitation is likely to be better, the RBHS Schools shall establish Student Assistance Facilitator(s), which shall include one or more health care providers with professional qualifications and expertise in impairments and substance abuse.
1. The Student Assistance Facilitator(s) shall have the following basic functions:
 - Preliminary assessment of the validity of reports of behavior or incidents concerning a student that may be indicative of impairment;
 - presentation of concerns to identified students;
 - referrals for diagnosis and treatment;
 - monitoring of students with impairments until final disposition;
 - referral of students who are not cooperative or who are non-compliant to the appropriate School administrative office for possible disciplinary or other action;
 - submission of an annual report of the activities of the Student Assistance Facilitator and any recommendations for improvements to the appropriate RBHS Dean and Vice Chancellor for Academic Affairs.
 2. The Student Assistance Facilitator(s) shall participate as one of the several options at the school(s) in the following additional functions:
 - Development of activities aimed at prevention of mental health and substance abuse impairments, such as stress reduction workshops;
 - Presentation of educational sessions for students, faculty and staff to increase awareness of mental health and substance abuse topics, including sources of assistance, and to increase the ability to appropriately identify and refer students for evaluation and treatment;
 - Advocacy for inclusion in the curricula of education concerning impairment and substance abuse.
 3. The Student Assistance Facilitator shall be a health care provider(s) designated by each Dean or by agreement among the Deans of the schools on each campus. The provider(s) may be faculty or staff with appropriate qualifications and expertise to effectively conduct the functions set forth in this section. Such faculty or staff shall be permitted by the Deans and direct supervisors to carry out the functions of the Student Assistance Facilitator as an essential responsibility of the individual's employment/appointment.

4. The Student Assistance Facilitator(s) are only one of several options available to a School and its students for identifying impaired students and bringing them into treatment, and are meant to be utilized by Schools' Student Affairs administrators in concert with other resources and other appropriate procedures which may include disciplinary action and leaves of absence.
- G. In addition to any other appropriate treatment or referral, the Student Health Services, Student Wellness Program and Student Assistance Facilitator(s) shall immediately notify the appropriate School official when any student is deemed unable to safely participate in the educational program in which the student is enrolled. Notification shall be made in accordance with the Rutgers University policy Student Intervention Coordination, and, in the case of students with disabilities, to the appropriate RBHS Student Affairs Dean and the Office of Disability Services for Students.
- H. The Student Wellness Program and Student Assistance Facilitator(s) shall annually publish and disseminate to faculty, students and pertinent administrators a statement summarizing the University's Students with Impairments policy, and a description of the School, University and community resources for dealing with impairment.
- I. The RBHS Deans shall ensure that a summary of this policy and of the assistance available through the Student Wellness Program, the Student Health Centers and Student Assistance Facilitator(s) and other existing resources are incorporated into student handbooks, School catalogs and student orientation programs.
- J. Monitoring of Students with Impairments

The Student Health Centers, Student Wellness Program or Student Assistance Facilitator monitors the treatment and rehabilitation of referred students with impairments as appropriate. If a student is enrolled in a treatment program, the Student Health Centers, Student Wellness Program or Student Assistance Facilitator may delegate the monitoring function to the treatment program, and in that event, receives regular reports on the student's progress. Schools may require the student to permit the treatment provider to provide relevant information to the Student Health Centers, Student Wellness Program or Student Assistance Facilitator or Dean and to inform them if the student drops out of treatment, relapses or shows other evidence of deterioration liable to result in significant functional impairment of ability to participate in the educational program. Failure of the student to permit the treatment provider to provide relevant information may result in action by the School, including possible involuntary placement on leave of absence, involuntary withdrawal or dismissal.

The Student Health Centers, Student Wellness Program or Student Assistance Facilitator(s) determines in each case the appropriate duration of monitoring. Monitoring may need to be maintained for an indefinite period, or until the student graduates.

A student on medical leave of absence because of an impairment that is being monitored by the Student Health Centers, Student Wellness Program or Student Assistance Facilitator(s) should be considered for academic reinstatement by the School administration only after consultation with the Student Health Centers, Student Wellness Program or Student Assistance Facilitator(s), as appropriate. The Student Health Centers, Student Wellness Program or Student Assistance Facilitator's recommendation in this regard will be based upon the current evaluation by the student's treatment provider(s) and upon any independent evaluation requested by the School or Student Health Centers, Student Wellness Program or Student Assistance Facilitator(s).

In appropriate instances based on the nature of the impairment and the risk that may exist for patient care, a graduating student may be referred to the appropriate state assistance program according to the location of his/her postgraduate training or practice. If the School, Student Health Centers, Student Wellness Program or Student Assistance Facilitator decides that a graduating student should be referred to a state program and the student refuses to give consent, the School Student Affairs administrator is informed prior to graduation and decides if this information should be a factor in the School's decision to award the degree.

K. Urine and/or blood testing for drugs

There shall be no mandatory, routine use of urine or blood testing for drugs. However, where there is reason to believe that an impairment is the result of substance abuse and the student refuses to submit to drug testing, the University reserves the right to take disciplinary action or other action as may be deemed appropriate to protect the health and safety of patients, other students and employees. Testing may be performed by the selected treatment program. Drug testing may be required to verify a drug-free state during treatment and as part of the follow-up and monitoring after the conclusion of formal therapy. Drug testing, either routine or for cause, may be required by University affiliated clinical facilities in which a student may be assigned for education and training.

L. Permitted Communications and Confidentiality

Files involving students with impairments shall be stored under lock separately from academic records. If a student is referred to a state assistance program upon graduation, the appropriate files shall be transferred to that program, and a notation of the transfer kept at the University.

To promote the safety and/or welfare of a student and/or of others, and to the extent permitted by FERPA and other applicable laws, the School or University officials may, when appropriate, report incidents of disruptive behavior, or other conduct of serious concern, to the student's next of kin and/or to other appropriate officials of the University, the RBHS Schools or other units, or to health care or counseling providers, or to law enforcement agencies.

Except for such reports and communications made pursuant to this policy, and to the extent permitted by FERPA and other applicable laws, all proceedings and deliberations conducted pursuant to this policy and procedure will be considered confidential and may not be released or disclosed by any participant without permission from the affected student or without valid subpoena or court order.

EXHIBIT
SAMPLE LETTER TO OUTSIDE EVALUATOR

PLEASE CONTACT OFFICE OF GENERAL COUNSEL
FOR REVIEW PRIOR TO SENDING.

[Date]

Dr. Get Well Soon
111 Healthy Lane
Pleasant Valley, NJ 07000

Re: [Name of Student] – Fitness Evaluation

Dear Dr. Get Well Soon:

[Name of student], a student in the Rutgers University -[Name of School] has been referred to you for an evaluation of his fitness to continue as a student in the School.

This referral follows a report by a faculty member of a recent statement by [Name of student] made during a heated debate with a fellow student over a class assignment. [name of student] is reported to have said “if your lousy work influences my grade, you’re going to regret it, something bad will happen you.” The faculty member who reported this statement was very upset by the remark and believed it to be serious.

Earlier in the year, several students in his study group reported that [Name of Student] told them that if he did not do well this semester, he would hold them responsible and “there would be trouble.” When approached about this remark, [Name of student] admitted making the statement, but insisted that it was a joke.

On another occasion, [Name of Student] was interrupted by a school administrator while engaging in a loud, angry confrontation with a fellow student. The fellow student reported feeling threatened. [Name of Student] apologized.

One hospital in which the School ordinarily places students for clinical experience has asked that [Name of student] not be permitted in the building due to prior experience with him.

Classmates of [Name of student] have reported that he has demonstrated anger management issues and possible alcohol issues.

The Rutgers University -[Name of School] Essential Functions for participation in courses includes the following requirement:

“E. Behavioral and Social Skills

The student must demonstrate emotional stability with appropriate interpersonal relationships and communication skills. He/she must be able to exercise good judgment and sustain an attention level necessary to complete all responsibilities promptly; be attendant to the diagnosis and care of patients, and develop mature, sensitive, professional and effective relationships with patients/clients (in well and diseased states from every gender, socioeconomic status and cultural group) and health care workers. The student must be able to tolerate taxing workloads and to function effectively under stress. He/she must be able to adapt to changing environments, to display flexibility, and to learn to function in the face of uncertainties inherent in the clinical setting. Compassion,

EXHIBIT (continued)
SAMPLE LETTER TO OUTSIDE EVALUATOR

integrity, concern for others, appropriate hygiene, appearance, interpersonal skills, interest and motivation are all personal qualities that are required throughout the admissions and educational processes.

A student whose behavior or performances raises questions concerning his or her ability to fulfill the essential functions may be required to obtain evaluation and/or testing by a health care provider designated by the School, and to provide the results to the Campus Student Health Service for the purpose of determining whether the student is fit to pursue the educational program. If the student is deemed fit to pursue the program, the School reserves the right to require actions recommended by the health care provider, including further testing, counseling, monitoring, leave of absence, etc.”

The School asks that you conduct an evaluation of [Name of student]’s ability to safely participate in the School’s educational program, including extensive clinical contact with patients in health care facilities and classroom participation. The clinical requirements of the educational program include application of various therapeutic modalities, any of which can harm a patient, if improperly implemented. In order to safeguard the welfare and safety of the University’s patients, faculty, staff and students, we seek an evaluation of the student’s ability to conform with the School’s requirements and standards of safe professional performance.

Please convey your report to [Name of Contact Person], Director, Student Wellness Program, 220 Old New Brunswick Rd., Piscataway, NJ 08854, 732-235-5930.

Thank you very much.

Yours truly,

Dean

c: Student Wellness Program
 Vice Chancellor for Academic Affairs
 Office of Public Safety