



**I. 14.2.6 Fitness for Participation Policy**

Chapter 14 - Student Policies and Procedures	Original Effective Date: August 2024
Section: 14.2 Other Student Policies	Date Last Reviewed:
Responsible Entity: Vice President for Academic, Faculty, and Student Affairs	Date Last Revised:

**II. Purpose**

The University is committed to providing a physically and psychologically safe environment for all University community members. To provide a safe environment, all Learners must be able to participate in a safe, secure, productive, and effective manner. Learners who are determined not Fit for Participation may present a potential safety hazard to themselves, to other Learners, to employees, to the University, or to the public.

The purpose of this Policy is to identify procedures to provide Learners purposeful access to support and resources, evaluate Learners' Fitness for Participation in UT Health San Antonio (University) activities, and to establish procedures to address Learners deemed not fit to participate as well as identify a plan to enable and promote meaningful participation and Learner success.

**III. Scope**

This Policy applies to all Learners engaging in educational, research, training, extracurricular, social, clinical, and/or supervisory activities or University sponsored events, regardless of whether the activities or events take place on University premises.

**IV. Policy**

The University expects Learners to assume responsibility for their professional and personal conduct. Learners who may be impaired or at risk of impairment due to alcohol or substance use, or due to a physical, mental, or substance use condition, are strongly encouraged to voluntarily seek treatment for the concern(s). Options for treatment on campus include the Student Counseling Center and the Wellness 360 Center. Referrals for off-campus services may be obtained from these service centers. Learners with disabilities in need of a reasonable accommodation may contact the Office of Educational Support Services to initiate the accommodation process.

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### A. Reporting

Learners, faculty, supervisors, staff, or others whose observations of Learner conduct lead them to question a Learner's fitness for participation in University activities should immediately report their observations.

#### 1. Imminent Risk

If there is a concern that the Learner may be at imminent risk of self-harm or harming others, another type of emergency is suspected, or a crime may have been committed, the reporter should contact University Police (“UTPD”) and/or call 911 immediately.

#### 2. Non-imminent Risk

If the concern does not include an imminent risk for self-harm or harming others, and no other emergency service is required, the report should be made to the Learner’s Student Affairs Office/Dean or other Dean’s Designee (appropriate Dean or Dean’s Designee) or the Behavioral Intervention Team (BIT), if applicable.

### B. Referral

The appropriate Dean or Dean’s Designee will refer the Learner to the Student Counseling Center and the Wellness 360 Center for treatment and/or support, and/or the Office of Educational Support Services, if applicable. There will be no communication between the treatment center and the school unless the Learner requests and authorizes such communication by written consent.

#### 1. Imminent Risk

During the fitness for participation process, if there is a concern that the Learner may be at risk for self-harm or harm to others, another type of emergency is suspected, or a crime may have been committed, the Dean or Dean’s Designee should contact UTPD and/or call 911 immediately. Additionally, the Learner may be referred to emergency services, including psychiatric evaluation.

### C. Conduct Review

The applicable Dean or Dean’s Designee will review, consult relevant individuals, document reported conduct and determine if the Learner is Fit for Participation and/or if a Corrective Action Plan is needed.

#### 1. Notice of Conduct Review

Learner will be notified, in writing, of the Learner’s reported conduct.

##### a. Restriction from Participation

During the Conduct Review, depending on the circumstances, the Learner may be restricted from participation in University activities.

#### 2. Opportunity to Respond

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Learner will have 5 calendar days from the notification of Conduct Review to submit a written response to the appropriate Dean or Dean's Designee.

### 3. Code of Conduct Evaluation

Learner's reported conduct and Learner's response, if submitted, will be evaluated with the University Code of Conduct to determine the disciplinary process, if applicable.

### 4. Determination

Based on the totality of information collected during the conduct review and within a reasonable time not to exceed 7 calendar days from the notice of conduct review or Learner's response to the conduct review, whichever is later, the appropriate Dean or Dean's Designee will make a determination of the Learner's fitness to participate and provide the determination in writing to the Learner.

## D. Determination

### 1. Fit for Participation

If the Learner is determined Fit to Participate in University activities, the Learner will be notified in writing and the Learner will be permitted to resume participation in University activities and provided a reasonable opportunity to make up work missed, if applicable.

### 2. Not Fit for Participation

If the Learner has been determined not Fit to Participate in University activities by the appropriate Dean or Dean's Designee, the Learner will be notified in writing and assigned a documented Corrective Action Plan.

## E. Corrective Action Plan (CAP)

If the Learner is determined not Fit to Participate, the appropriate Dean or Dean's Designee will notify the Learner of the determination, in writing, and the Learner will be assigned a documented corrective Action Plan (CAP).

CAP options include but are not limited to:

### 1. Referral

Referral to the Student Counseling Center and/or the Wellness 360 Center for applicable treatment and care. There will be no communication between the treatment center and the school unless the Learner requests and authorizes such communication by written consent.

### 2. Mandated Trainings

Assigned training may include but is not limited to Stress Management, Anger Management, Time Management, Relationships, Study Skills, Professional Behavior, Active Listening, Procrastination, and Communication. The training presenter will report the Learner's attendance and/or participation to the appropriate Dean or Dean's Designee. Learner consent is not required for

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communication regarding Learner's compliance as no confidential information will be communicated.

### 3. Formal Assessment

Learner may be referred to an off-campus provider or provided 5 calendar days from the date of the CAP assignment, to identify an off-campus provider of the Learner's choice which the University finds acceptable, for a Fitness to Participate or Practice Formal Assessment, paid for by the Learner's school. The Learner will provide written consent for the provider to communicate with the appropriate Dean or Dean's Designee regarding the formal assessment conclusion and recommendation.

#### a. Fit for Participation

If the formal assessment by the off-campus provider determines the Learner is Fit for Participation or practice, the Learner may be allowed to resume participation in University activities and provided a reasonable opportunity to make up work missed, if applicable.

#### b. Not Fit for Participation

If the formal assessment by the off-campus provider determines the Learner is not Fit for Participation or practice, the appropriate Dean or Dean's Designee will determine the appropriate course of action based on the formal assessment conclusions and recommendations. Additional options may include but are not limited to a referral for applicable services and/or mandated training.

### 4. Learner Participation Options

#### a. Compliance with restricted participation

The Learner may comply with the CAP and be permitted to resume participation upon verification of completion of CAP requirements by the appropriate Dean or Dean's Designee.

#### b. Compliance with participation

The Learner may comply with the CAP and depending on the circumstances, may be permitted to resume participation while completing CAP requirements.

#### c. Non-compliance with restricted participation

The Learner may decline to comply with the CAP. Participation in University activities may not resume until verification of completion of CAP requirements by the appropriate Dean or Dean's Designee. Additionally, the Learner may be subject to disciplinary action in accordance with applicable University disciplinary policy.

## F. Resolution

### 1. Completion of CAP requirements

Upon verification of completion of CAP requirements by the appropriate Dean or Dean's Designee, the Learner will be notified in writing of CAP completion and

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resolution of the Fit for Participation Policy process, and if resumption of participation has not been initiated, the Learner will be permitted to resume participation in University activities.

### 2. Completion of CAP requirements and reevaluation

If after completing the CAP requirements the Learner's concerning conduct persists or resumes, the appropriate Dean or Dean's Designee will determine the appropriate course of action, in consultation with applicable University policy, and will provide the determination in writing, to the Learner. Course of action options include but are not limited to:

- a. CAP reassignment *Section E*.
- b. Leave of Absence
- c. Dismissal

## V. Definitions

When used in this document, the following words have the meaning set forth below unless a different meaning is required by context.

Conduct Review - Collection and evaluation of observations, complaints, and behaviors in order to determine a Learner's fitness to participate in University activities.

Corrective Action Plan (CAP) - Documented list of required activities to be completed by the Learner to address behavioral concerns and resume participation in University activities.

Dean or Dean's Designee - The designated school Dean or a person or committee designated by the school Dean or appointed by the applicable school to provide a referral, perform a conduct review, create a corrective action plan, and administer the Policy to a resolution.

Fit for Participation - Participation in all UT Health San Antonio activities in a safe, secure, productive, and effective manner with or without reasonable accommodation.

Fitness to Participate or Practice Formal Assessment - Assessment comprised of a battery of tests, conducted by an off-campus provider, to assess a Learner's fitness to participate and/or practice.

Impairment - Any physical, mental, or behavioral condition that interferes with a Learner's ability to engage safely in UT Health San Antonio activities. Impairment may include but is not limited to the deterioration through the aging process, loss of motor skills, and abuse of alcohol and controlled substances.

Learner - Student or Learner enrolled at the University. Residents and other trainees are not considered Learners for the purposes of this Policy.

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### VI. Related References

Legal references used in formulating this Policy include:

[Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794](#)

[Americans with Disabilities Act \(ADA\) of 1990 and 2008 amendments, 42 U.S.C. § 12101 et seq.](#)

[Americans with Disabilities Act Title II Regulations](#)

[FERPA Regulations, 34 C.F.R. Part 99](#)

Institutional Handbook of Operating Policies

[4.2.3 Requests for Accommodations Under the ADA and the ADA Amendments Act of 2008 \(ADAA\)](#)

[14.2.5 Student Pregnancy and Parenting Nondiscrimination Policy](#)

### VII. Review and Approval History

The approving authority of this policy is the University Executive Committee.

Effective Date	Action Taken	Approved By	Approved Date
08/2024	Policy Origination	Executive Committee	08/13/2024