

Appendix D: Student Counseling and Assessment

The School of Law and the Medical University of South Carolina (“MUSC”) have formed a partnership to offer student counseling services to School of Law students. This service is confidential and available to all students enrolled in both the full-time and the part-time programs at the School of Law.

MUSC’s services to students include but are not limited to the following: assessment services, therapy, mental health evaluations, and referrals to all School of Law students. Services also include consultations, promotional materials and assessment services, up to 5 therapy sessions following a student assessment, and appropriate referrals for treatment or follow-up.

All appointments are at MUSC with trained professionals. If counseling services are needed, please contact MUSC directly at 843.792.2848.

Mandatory Assessments

Students of concern for at risk behavior may be mandated by the School of Law to be assessed by a mental health counselor. A student who evidences emotional distress or a health concern should be reported to the Associate Dean of Students and/or the Associate Dean for Academic Affairs.

In cases which the Associate Dean of Students or the Associate Dean for Academic Affairs determines that the student is at risk, the Associate Dean of Students and the Associate Dean for Academic Affairs may mandate that the student meet with a School of Law counselor for a professional assessment of a risk behavior. Any student mandated for assessment must meet with the School of Law counselor within one business day of the mandate unless the Associate Dean of Students grants an exception in writing.⁸ Failure to meet with the School of Law counselor within the required time period will constitute noncompliance.

The student must comply with the counselor’s treatment recommendation. The student will be asked to complete a release of information to disclose to the Associate Dean of Students and the Associate Dean for Academic Affairs the student’s attendance at each session and the recommendations of the counselor.

Referrals for mandatory assessment shall NOT constitute disciplinary action. However, failure of the student to comply with this policy may result in sanctions, including but not limited to temporary or indefinite mandatory medical withdrawal. Additionally, if the student withdraws from school or otherwise fails to complete the mandated sessions prior to the end of the semester, the student may be required to complete an assessment prior to enrolling in subsequent semesters.

Remedial Action Plan

Upon mandatory assessment, the Associate Dean of Students and the Associate Dean for Academic Affairs may determine an appropriate remedial plan of action for the student. In developing and implementing a remedial plan, the Associate Dean of Students and the Associate Dean for Academic Affairs may consult the Student Support Team and/or other relevant faculty

⁸ Includes email correspondence or formal letter.

or staff members. Members of the Student Support Team consist of administrators and professors selected by and serving at the discretion of the Dean of the School of Law. When consulted, team members will review the matter and determine an appropriate course of action for the student which will be best benefit the student and the School of Law community by ensuring the student's ability to meet academic standards and compliance with applicable conduct codes. In cases in which disability is a concern, the team may make recommendations as to reasonable accommodations for qualified individuals.

Family Notification Plan

The Charleston School of Law respects the privacy rights of its students as defined under the Family Educational Rights and Privacy Act (FERPA). Under extreme circumstances, it may be necessary to contact a student's parents or other family to provide support and assistance to the student.⁹ Family notification may occur in an instance which the student: (1) has engaged in self-inflicted life-threatening behavior; (2) is a danger to themselves or others and is unresponsive to professional medical or mental health advice; or (3) the student have injured themselves and requires medical attention.

⁹ FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT: Subpart D:

§99.36 What conditions apply to disclosure of information in health and safety emergencies?

(a) An educational agency or institution may disclose personally identifiable information from an education record to appropriate parties, including parents of an eligible student, in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

(b) Nothing in this Act or this part shall prevent an educational agency or institution from—

(1) Including in the education records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community;

(2) Disclosing appropriate information maintained under paragraph (b)(1) of this section to teachers and school officials within the agency or institution who the agency or institution has determined have legitimate educational interests in the behavior of the student; or

(3) Disclosing appropriate information maintained under paragraph (b)(1) of this section to teachers and school officials in other schools who have been determined to have legitimate educational interests in the behavior of the student.

(c) In making a determination under paragraph (a) of this section, an educational agency or institution may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. If the educational agency or institution determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals. If, based on the information available at the time of the determination, there is a rational basis for the determination, the Department will not substitute its judgment for that of the educational agency or institution in evaluating the circumstances and making its determination.

(Authority: 20 U.S.C. 1232g (b)(1)(I) and (h)).

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<https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=34:1.1.1.1.33#sp34.1.99.d>.