

FOR INFORMATION

PUBLIC

OPEN SESSION

TO: University Affairs Board

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DATE: November 17, 2021 for November 23, 2021

AGENDA ITEM: 7

ITEM IDENTIFICATION:

Review of the *University-Mandated Leave of Absence Policy*

JURISDICTIONAL INFORMATION:

Section 5.1.4 of its Terms of Reference, the following matters fall under the purview of the University Affairs Board:

The Board is responsible for policy concerning multi-campus services campus and student services on the St. George campus and University-wide policies that apply to the St. George, UTM and UTSC campuses. It is also responsible for overseeing their operation.

Section 79 of the *University-Mandated Leave of Absence Policy*, provides that:

The Provost undertakes to review the Policy in the third academic year of its operation, and to report to the Governing Council about that review. Subsequent reviews shall be as requested by the Governing Council or as suggested by the Provost.

GOVERNANCE PATH:

For Information and Discussion:

1. UTSC Campus Council [For Information] (November 15, 2021)
2. UTM Campus Council [For Information] (November 16, 2021)
3. Academic Board [For Information] (November 17, 2021)
4. **University Affairs Board [For Information] (November 23, 2021)**
5. Executive Committee [For Information] (December 7, 2021)
6. Governing Council [For Information] (December 16, 2021)

PREVIOUS ACTION TAKEN:

The *Policy* was approved on June 27, 2018. Annual reports on the *Policy* have been brought to the University Affairs Board (UAB) for Information on November 13, 2019 and November 24, 2020. The 2021 annual report is scheduled to be presented to UAB in Cycle 2.

HIGHLIGHTS:

Summary

The [*University-Mandated Leave of Absence Policy*](#) (the “*Policy*”) was approved by Governing Council in June of 2018 and is intended to provide a compassionate and non-punitive option for students who are exhibiting serious and concerning behaviour that threatens their own or others’ health and safety, or results in negative and material impacts on the ability of the student to engage in the essential elements of the educational activity.

The *Policy* was developed in response to concerns raised by the University Ombudsperson about the University’s ability to address student behaviours during periods of extreme distress caused by serious health or mental health issues. The intention of the *Policy* is to ensure the safety of all members of the University community and to support students who may benefit from time away from their studies to engage with supports or other assistance. The *Policy* is intended to be applied in rare circumstances, detailed in two carefully circumscribed “scenarios,” and only after accommodative measures have been unsuccessful, or the student has declined those measures.

A Student Case Manager is appointed by the University to liaise with the student throughout the process and to ensure that appropriate accommodations are being offered. The Vice-Provost, Students also establishes a Student Support Team (SST) which brings together multi-disciplinary expertise to assist in a nuanced and comprehensive analysis of the student’s needs. Membership of the SST may include, student service representatives, registrarial personnel, medical professionals, academic administrators, equity officers, campus safety personnel, and others.

The terms and conditions identified in the *Policy* require a tailored approach and considerations for each student. To this end, the University has arranged for such measures as tuition refunds, on-going access to health and wellness services, continuation of health and dental benefits through respective student societies, and accommodations to maintain academic progress for students going through this process.

During the 2018-19 and 2019-20 academic years, the *Policy* was invoked nine times. A report on the *Policy* and its application is presented annually to the University Affairs Board ([2018-19](#), [2019-20](#)). The 2020-21 annual report will be presented to UAB in Cycle 2.

The University Ombudsperson has reviewed the factual specifics of each case in which a student has taken a leave through the *Policy* and has not identified any concerns with the relevant criteria not being satisfied.

We know, however, that some students and other community members continue to have questions about the *Policy*'s scope and application. For example, the [Report of the Presidential and Provostial Task Force on Student Mental Health](#) noted that the *Policy* is sometimes viewed as a potential barrier to students seeking mental health services. The Task Force recommended the University address this potential issue through a comprehensive educational strategy to ensure the supportive and compassionate intent of the *Policy* is made more apparent and that students understand they will not be put on leave for simply seeking medical care (Recommendation 18).

The University understands the significance of requiring a student to take a leave of this nature and the need to ensure that such actions are taken appropriately and with the utmost level of care and consideration. In recognition of the need for transparency and accountability with regard to the application of the *Policy*, Section 79 of the *Policy* states that “[t]he Provost undertakes to review the *Policy* in the third academic year of its operation, and to report to the Governing Council about that review.” The Provost initiated this review in February 2021, and asked Professor Donald Ainslie, Department of Philosophy, Faculty of Arts & Science, to lead it with the support of Varsha Patel, Assistant Dean of Student Success and Career Support, University of Toronto Scarborough. At the request of the representative student societies, the University extended the timeline for the review into the fall of 2021.

The focus of this review includes:

- Analysis of the intended purpose of the *Policy* and the extent to which the *Policy* and its application to-date align with that purpose.
- Review of the definition of terms for clarity and consistency.
- Assessment of the steps outlined for invoking the *Policy* for clarity, consistency, and the extent to which they align with the compassionate intent of the *Policy*.
- Consideration of the extent to which the *Policy* is understood by students, staff, and faculty across the University.
- Consideration of any unintended outcomes of the *Policy*.
- Evaluation of the annual reporting and periodic review requirements.

Consultations and Research

Over the course of the review process, the Reviewers engaged in a robust consultation process designed to gather input from students, staff, and faculty across the three campuses. The Reviewers hosted four virtual town halls that were open to all members of the University community. They also met directly with UTSU, UTGSU, APUS, UTMSU, and SCSU, in addition to several other student organizations. Over the course of summer 2021, the Innovation Hub hosted five student consultation sessions. Previous data related to the *Policy* collected by the Innovation Hub through consultations that took place as part of the *Presidential and Provostial Task Force on Student Mental Health* were also reviewed.

The Reviewers met with staff and faculty across all three campuses, including counselors, physicians, crisis response staff, equity officers, Deans of Students, Registrars, Academic Deans, Principals, and other senior administrators. They also consulted with the University Ombudsperson.

In addition to in-person consultations, an [online consultation site](#) has been available to all University of Toronto community since the launch of the review. The site will remain open until November 30, 2021.

The Reviewers reviewed some of the research and related materials related to university and college leaves of absence and mental health.¹ They also attended workshops on this issue sponsored by Active Minds, a US non-profit organization “supporting mental health awareness and education for young adults.”

Key Themes from Consultation and Research

Throughout the consultations, the Reviewers were impressed with the care and concern students brought to the discussion and appreciated their many constructive suggestions. The feedback included specific recommendations for changes to the *Policy*, as well as suggestions for how to better communicate the purpose of the *Policy* and the circumstances under which it is invoked.

The following key themes emerged from the consultations with *students*:

- Some wanted the *Policy* to be rescinded but did not accept a return to the *status quo ante* (use of *Code of Student Conduct*).
- Some accepted the need for the *Policy* in cases where there are possible harms to others.
- Many expressed concern that the inclusion of cases of possible self-harm in Scenario 1 of the *Policy* is too broad and may deter some students from reaching out to University resources for support out of a concern that they may be placed on a mandated leave.
- Many were unsure about the circumstances in which Scenario 2 of the *Policy* would apply.
- Many asked for greater clarity about the possibility of voluntary leaves within the *Policy*, as well as greater access to voluntary leaves at the divisional level – outside the *Policy*. More generally, students requested greater transparency on how the university addresses illness, injury, and other health-related concerns that impact academic performance.

¹ “Leave of Absence: Transform your Campus. A Mental Health Advocacy Guide for Students,” *Active Minds* (activeminds.org, accessed May 6, 2021). “Supporting Students: A Model Policy for Colleges and Universities,” Judge David L. Bazelon Center for Mental Health Law (accessed May 6, 2021). “Taking a Leave of Absence: A Guide for Campus Leadership, Faculty, and Staff” and “Taking a Leave of Absence: A Guide for College Students,” The Center for Psychiatric Rehabilitation, Boston University, and the Ruderman Family Foundation (accessed May 4 and Oct. 5, 2021). Miriam Heyman, “The Ruderman White Paper on Mental Health in the Ivy League,” December 2018 (accessed April 5, 2021). “Student Mental Health and the Law: A Resource for Institutions of Higher Education,” The Jed Foundation, 2008 (accessed Oct. 10, 2021). “The Opportunity to Succeed: Achieving Barrier-free Education for Students with Disabilities: Consultation Report,” Ontario Human Rights Commission (accessed April 16, 2021). Andrew Giambrone, “When Mentally Ill Students Feel Alone,” *The Atlantic* (March 2, 2015).

- Some worried that the University fails to fully respect the autonomy of those students to whom the *Policy* is applied, especially with respect to the choice of a Case Manager, the construction of the Support Team, and the timelines for students to request to return to their studies.
- Some asked about the potential impact of mandated leaves on international students.
- Many wanted to know more about the potential financial impact of leaves (tuition reimbursement, residence fee reimbursement, scholarships, and fellowships).
- Some asked for on-going periodic review of the *Policy*.
- Many noted that the *Policy* is difficult to interpret and requested a companion guide to it; several pointed out that such a guide had been promised when the *Policy* was first passed.
- Many emphasized that additional mental health resources are required across the three campuses to ensure that the *Policy* is truly only used as a last resort.
- Some asked whether marginalized students were disproportionately being asked or required to take leaves under the *Policy*.

The following key themes emerged from the consultations with *staff and faculty*:

- Most expressed appreciation that the *Policy* exists to support students in severe crisis and provide a non-punitive option to address behaviour that would otherwise fall under the *Code of Student Conduct*.
- Many appreciated the care and concern shown to students when the *Policy* is used.
- Many were unsure about the circumstances in which Scenario 2 of the *Policy* would apply.
- Some suggested that some timelines within the *Policy* require clarification.
- Some asked for greater clarity on the role of Equity Officers on a Student Support Team (SST).
- Some were previously unfamiliar with the details of the *Policy* and requested a Companion Guide to help them understand when and how it should be used.

Preliminary Recommendations

The Reviewers are sharing for information the following preliminary recommendations for feedback and discussion:

- Maintain a version of the *Policy*, with some revisions.
- Rename the *Policy* to more accurately reflect its purpose and the options contained within the *Policy*.
- Restrict mandated leaves only to those cases where a student is posing a harm to others or actively interfering with the educational experience of fellow students, and all other options for reasonable accommodations have been exhausted.
- Clarify that mere discomfort about a student's behavior resulting from mental illness does not qualify as a psychological harm under the *Policy*.
- Track and report on additional data related to the *Policy*, including demographic data, divisional referrals for consideration under the *Policy*, and timelines for those on leave.

- Conduct a further review of the *Policy* after three years. This review should consider whether there is a need for on-going periodic review of the *Policy* moving forward.
- Publish a companion guide to the *Policy* by Fall 2022.
- Establish divisional voluntary leave policies (where they do not already exist), with support available from the Office of the Vice-Provost, Students as needed.
- Provide additional student supports in situations where a divisional voluntary leave has been unsuccessful and/or a student may benefit from a higher level of institutionally coordinated resources, but does not meet the threshold for the *Policy*. Establish guidelines about when such additional supports would be available.

FINANCIAL AND/OR PLANNING IMPLICATIONS:

There are no financial implications.

RECOMMENDATION:

For Information.