

FOR INFORMATION

PUBLIC

OPEN SESSION

TO: UTSC Campus Council

SPONSOR: Professor Cheryl Regehr Vice-President & Provost
CONTACT INFO: Phone (416) 978-2122 / Email provost@utoronto.ca

PRESENTER: Professor Sandy Welsh, Vice-Provost, Students
CONTACT INFO: Phone (416) 978-3870 / Email vp.students@utoronto.ca

DATE: January 18, 2023 for January 25, 2023

AGENDA ITEM: 4

ITEM IDENTIFICATION:

Revisions to 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.

GOVERNANCE PATH:

1. University Affairs Board [for recommendation] (January 18, 2023)
2. UTM Campus Council [for information] (January 24, 2023)
3. **UTSC Campus Council [for information] (January 25, 2023)**
4. Academic Board [for concurrence with the recommendation of the University Affairs Board] (January 26, 2023)
5. Executive Committee [for endorsement and forwarding] (February 7, 2023)
6. Governing Council [for approval] (February 15, 2023)

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, November 24, 2020, November 23, 2021, and November 22, 2022.

HIGHLIGHTS:

Background

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.

During the 2018-19, 2019-20, 2020-21 and 2021-22 academic years, the *Policy* was invoked a total of 17 times. As of Fall 2022, seven of these students have returned to their studies. A report on the *Policy* and its application is presented annually to the University Affairs Board (2018-19, 2019-20, 2020-21, 2021-22).

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, and only after accommodative measures have been unsuccessful, or the student has demonstrated that they are too unwell to engage in such 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, 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.

The University Ombudsperson reviewed the factual specifics of each case in which a student had taken a leave through the *Policy* during the first two years of its operation and did not identify 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).

Review of the Policy

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 regarding 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 a 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 included:

- 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.

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 was available to all members of the University of Toronto community from March 1, 2021, to November 30, 2021.

The Reviewers considered 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.”

Recommendations

At the November 23, 2021, UAB meeting, the Reviewers shared the findings of their review and their recommendations for amendments to the *Policy*, including:

- Maintaining a version of the *Policy*, with some revisions.
- Renaming the *Policy* to more accurately reflect its purpose and the options contained within the *Policy*.
- Restricting 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.
- Clarifying that mere discomfort about a student’s behavior resulting from mental illness does not qualify as a psychological harm under the *Policy*.
- Tracking and reporting on additional data related to the *Policy*, including demographic data, divisional referrals for consideration under the *Policy*, and timelines for those on leave.
- Conducting 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.
- Publishing a companion guide to the *Policy*.
- Establishing divisional voluntary leave policies (where they do not already exist), with support available from the Office of the Vice-Provost, Students as needed.
- Providing 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.

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).

Revisions to the Policy under consideration

In alignment with feedback on the *Policy* and the review process from student societies and the Ontario Human Rights Commissioner, the administration consulted two external experts on a revised draft *Policy*:

1. **Mr. Raj Anand**, a lawyer working at WeirFoulds LLP and a former Chief Commissioner of the Ontario Human Rights Commission. His feedback focused on the revised policy's legal compliance with the University's human rights obligations.
2. **Dr. Juveria Zaheer**, a University clinical faculty member in the Temerty Faculty of Medicine and psychiatrist working in the emergency department at the Centre for Addiction and Mental Health. Dr. Zaheer is an expert in suicide risk assessment and prevention and she provided feedback from a clinical mental health care perspective.

Mr. Anand confirmed his view that the draft *Policy*, for the most part, was consistent with and implemented the University's human rights obligations. To the extent that he identified shortfalls, Mr. Anand made recommendations for revised *Policy* language to address these. All of these recommendations were implemented and are now reflected in the proposed revisions to the *Policy*.

Dr. Zaheer also confirmed her view that the draft *Policy* appropriately addressed issues with respect to students affected by mental illness, including engagement in clinical care. She made recommendations for revisions to bring certain language in the *Policy* in line with best practices in mental health, which were implemented and are reflected in the proposed revisions to the *Policy*. Dr. Zaheer also made recommendations with respect to the application of the *Policy*, including, *inter alia*, additional cultural supports for students, engagement with family members where appropriate, and additional training for Divisions. These recommendations are being reviewed, but do not require changes to the *Policy* language to be implemented.

All revisions, and their sources, are found in the track-changes version of the *Policy*.

All other recommendations made by the initial reviewers regarding the processes surrounding the *Policy* are in the process of being implemented. This includes support for the establishment of divisional voluntary leave of absence policies. A revised companion guide to the *Policy* will be created following the approval of a revised *Policy*.

FINANCIAL AND/OR PLANNING IMPLICATIONS:

There are no financial implications.

RECOMMENDATION:

For information.

DOCUMENTATION PROVIDED:

- Current University-Mandated Leave of Absence Policy, June 27, 2018
- Proposed revisions to the University-Mandated Leave of Absence Policy (track changes)
- Proposed revisions to the University-Mandated Leave of Absence Policy (clean copy)



UNIVERSITY OF TORONTO

University of Toronto
Governing Council

University-Mandated Leave of Absence Policy

June 27, 2018

To request an official copy of this policy, contact:

The Office of the Governing Council
Room 106, Simcoe Hall
27 King's College Circle
University of Toronto
Toronto, Ontario
M5S 1A1

Phone: 416-978-6576

Fax: 416-978-8182

E-mail: governing.council@utoronto.ca

Website: <http://www.governingcouncil.utoronto.ca/>

University-Mandated Leave of Absence Policy

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PREAMBLE

The University is committed to providing students with the opportunity to pursue their educational goals. It is also committed to maintaining a safe environment for study and work. Pursuant to the University's commitment to providing supports and accommodations for students and its obligation under the *Ontario Human Rights Code*, the University provides accommodative resources through a number of services, each involving specialized attention by experienced and qualified staff to the specific needs of students.

In most circumstances, these resources, combined with the engagement and cooperation of the student, will allow a student to obtain their educational goals. However, on a small number of occasions, this approach may not be successful, or a student, for whatever reason, may not engage with the supportive resources, and the result may be an impact on the health and safety of the student or others, or on the ability of the student to engage in the essential elements of the educational activity.

In these infrequent circumstances, the potential application of the *Code of Student Conduct* will not be suitable, since it entails a disciplinary approach. Similarly, it may not be consistent with the duty to accommodate to merely let the student confront significant negative academic consequences in these situations. This Policy, therefore, sets out additional options to better reflect the needs and the situation of the student.

This Policy will be applied in a manner that fully complies with the *Ontario Human Rights Code* including (where applicable) the duty to provide reasonable accommodation to the point of undue hardship.

DEFINITIONS

The following definitions are intended to assist in the interpretation of this Policy.

Accommodation(s) – one or more accommodative measures (e.g. academic accommodations such as extra time to write an exam, physical accommodations to assist in the learning environment, etc.) provided pursuant to the *Ontario Human Rights Code's* duty to accommodate up to the point of undue hardship.

Student – For the purposes of this policy, "Student" means any person:

- (i) engaged in any academic work which leads to the recording and/or issue of a mark, grade or statement of performance by the appropriate authority in the University or another institution; and/or
- (ii) associated with or registered as a participant in any course or program of study offered by or through a college, faculty, school, centre, institute or other academic unit or division of the University; and/or
- (iii) entitled to a valid student card who is between sessions but is entitled because of student status to use University facilities.

Division Head – Principal, Dean or director ("head") of a faculty, college or school in which the Student is registered. In the case of a graduate Student, the Division Head will be the Dean of the Faculty of the Student's academic program.

Student Case Manager – Person designated by the Vice-Provost, Students to be the point of contact with the Student throughout the process of this Policy’s application, and to act as the liaison for the Student with staff who are engaged in exploring potential Accommodations and supports as well as with the offices engaged in providing advice on the terms and conditions if needed.

Student Support Team (SST) – A team established by the Vice-Provost, Students that may include student service representatives, registrarial personnel, medical professionals, academic administrators, equity officers, campus safety personnel, and Campus Police or others. The team brings together multi-disciplinary expertise to assist in a nuanced and comprehensive analysis of the Student’s needs.

I. INTRODUCTION

a. Guiding Principles

1. All Students in good standing at the University of Toronto (“the University”) should have the opportunity to pursue their academic aspirations.
2. The University offers supportive resources and Accommodations to assist Students who are encountering academic difficulties, including where those difficulties may arise from health issues or personal problems.
3. Students have personal autonomy regarding their health and wellness and are encouraged to seek the help they may need.
4. The success of Accommodations is significantly influenced by the Student’s own participation in and cooperation with the processes of exploring and implementing such Accommodations.
5. The University is committed to compliance with the *Ontario Human Rights Code*, to compliance with the *Accessibility for Ontarians with Disabilities Act*, and to the *Occupational Health and Safety Act*, including its obligations with respect to safety in the workplace. Furthermore, the University is committed to fulfilling the duty to accommodate persons with disabilities to the point of undue hardship in accordance with applicable laws, regulations and the University’s *Statement of Commitment Regarding Persons with Disabilities*. This commitment is reflected in resources that are made available throughout the University to Students with disabilities.
6. The University wishes to respond effectively and responsibly regarding Students whose behaviour causes concern regarding their own safety or the safety of others, or whose behaviour negatively and materially impacts the learning environment of others.
7. The University recognizes that some Students would benefit from an opportunity while not actively engaged in academic studies to focus their attention on engaging supports and assistance, and, if applicable, Accommodations, so as to increase the chances of success when academic studies resume.
8. The University has the right to address the conduct of a Student where it is necessary to do so in order to protect that Student and/or other members of the University, or to comply with legal duties, including statutory duties and those arising where it has a duty of care.
9. The Policy is designed to be used in exceptional circumstances and to provide the Student with procedural safeguards as set out below. Such safeguards include, for example, an opportunity to request a review and eventual appeal of decisions made pursuant to the Policy, as well as

ongoing ability to submit relevant information to a designated point of contact for due consideration by the University.

10. Prior to invoking this Policy, the University will generally have pursued and sought the Student's participation in, and cooperation with, Accommodative measures, including but not limited to: informal discussion and meetings with the Student and relevant student support services; referrals to campus resources such as Accessibility Services, health and counselling and others; encouragement to seek treatment or seek other assistance voluntarily; and to utilize divisional leaves of absence protocols and Accommodation policies. The Policy will generally be invoked where such measures have been unsuccessful, or where the Student has declined to participate and cooperate in the processes that would have provided the opportunity for success.
11. In invoking this Policy, the goal of the University is that the Student can resume academic activities safely and with a reasonable prospect of engaging in the basic activities required to pursue an education at the University.
12. Any Leave of Absence from the University under this Policy is not to be treated or be perceived as punitive or disciplinary and is to be identified as an approved Leave.

b. Application and Scope

13. This Policy applies to all Students as defined above.
14. This Policy provides a process as set out in section IV, which may provide for a Student's registration and/or association with a course or program to be academically suspended or terms to be imposed on a Student's participation in University activities or attendance on University premises in circumstances where the threshold for invoking the Policy (see section I. c.) is met and where Accommodations and/or supportive resources have not been successful or are not feasible. This process also includes fairness provisions which permit the Student to seek review and appeal of the imposition of such terms as set out in sections IV and V.
15. This Policy provides additional processes to benefit Students in cases where issues such as serious mental health or other similar issues are affecting the Student's ability to participate in the core educational activities that the University provides.
16. Nothing in this Policy precludes the University from acting independently of this Policy, and pursuant to its duties under the *Occupational Health and Safety Act*, or its general duty of care, or under any applicable legislation or University policies, in any situation where it believes there to be an urgent and/or serious situation of risk or potential risk of serious harm of any kind to any members of its community, the Student, or to the public.
17. Nothing in this Policy precludes the operation of any other University policies, including but not limited to the *Code of Student Conduct*, applicable *Residence Codes*, the *Code of Behaviour on Academic Matters*, the *Policy on Sexual Violence and Sexual Harassment*, and University policies for assessing academic achievement and progress. Depending on the circumstances, other University policies may apply.
18. Nothing in this Policy precludes the operation of voluntary leave policies or guidelines adopted by divisions.
19. Some of the behaviour captured within the ambit of this Policy may fall within other policies, including those identified above. Additionally, a Student may be governed by regulatory codes pertaining to specific professions (such as the health professions) or to licensing and

accreditation requirements for specific designations. This Policy does not preclude the application of the obligations under those regulatory codes.

20. Where there are health or mental health components to the behaviour, this Policy is intended to provide an opportunity for the exploration of possible alternative approaches that may be better aligned to specific circumstances of the Student.

c. Threshold for Invoking the Policy

21. This Policy may be invoked when the Division Head, of the Division in which the Student is registered, receives information or is aware of a situation that indicates that the Student's behaviour meets the threshold as described below and the Division Head believes that this Policy is appropriate to address the situation. Meeting the threshold does not imply that the Student will automatically be placed on a University-Mandated Leave of Absence. Instead, the Policy allows the review and deployment of additional resources to assist the Student, ideally with the result that a University-Mandated Leave of Absence is not required. The Division Head's involvement is for the benefit of the Student, to ensure senior level academic engagement and that divisional resources are coordinated with central resources to provide the appropriate support for the student.
22. The threshold for invoking the Policy encompasses two potential scenarios where there is reason to believe that the behaviour is related to serious mental health or other similar issues, as opposed to behaviour that should be dealt with under the disciplinary processes in the *Code of Student Conduct*, or behaviour where the normal application of academic standards (including the possibility of failure in a course, petitions and appeals, etc.) is appropriate and sufficient.

Scenario 1: The Student's behaviour poses a risk of harm to self or others, including but not limited to a risk of imminent or serious physical or psychological harm, or harm that involves substantial impairment of the educational experience of fellow students.

or

Scenario 2: While not posing a risk of harm to self or others as described in Scenario 1, the Student is unable to engage in the essential activities required to pursue an education at the University notwithstanding Accommodations or supportive resources that have been deployed or offered to the Student but where the Student has not participated or cooperated with what has been offered and/or deployed. For clarity, this scenario is not intended to apply to situations where a Student is academically unsuccessful and the normal consequences of failing to meet academic standards should apply, but rather to situations involving serious behavioural problems that may be related to mental health or other similar issues, which result in the Student's inability to fulfill the essential activities required to pursue their program and where a leave may provide an opportunity for the Student to seek assistance to focus on whatever underlying issue may be causing the serious behavioural problems, without incurring normal academic consequences.

II. CONFIDENTIALITY AND PRIVACY

23. The University is committed to compliance with legislation dealing with the protection of privacy, including the *Freedom of Information and Protection of Privacy Act* and the *Personal Health Information Protection Act*, and it confirms that collection, use, and disclosure of personal information pursuant to this Policy shall be in accordance with relevant law.
24. It is understood that safety considerations are paramount and may result in a need to disclose personal information without consent, including potentially beyond those who need to know it for the purposes of implementing the Policy. For example, confidentiality cannot be maintained where information needs to be disclosed in order to address a risk to the health and safety of members of the University community, or where the University is obliged by law to disclose the information. Examples include where:
 - a. an individual is at risk of imminent or serious physical or psychological harm to themselves or others;
 - b. members of the University community may be at risk of harm; and/or
 - c. reporting or investigation is required by law.

III. ONGOING ABILITY TO PROVIDE INFORMATION

25. At any stage during the application of this Policy, the Student may provide, to the Vice-Provost, Students, new information that the Student believes is relevant including but not limited to medical information, specialist reports and other expert assessments.

IV. PROCESS

a. Notification to the Vice-Provost, Students

26. Where the Division Head believes that the Student's behaviour meets the threshold as described above, the Division Head may request that the Vice-Provost, Students invoke this Policy.
27. Where the Student is a graduate Student, the Vice-Provost, Graduate Research & Education, will also be informed.
28. The notification to the Vice-Provost, Students shall include:
 - a. The name of the Student;
 - b. Description of events/incidents, including location, behaviour, and any other information relevant to the assessment of whether the threshold has been met and to the assessment of the possibility of a leave;
 - c. Additional relevant information such as other people involved and/or any witnesses;
 - d. Supportive resources offered or engaged, Accommodations if any, and interventions taken to date; and,

- e. Any other information that will assist the Vice-Provost, Students in making an informed assessment and a fair engagement with the Student who is the subject of the notification.
29. The Vice-Provost, Students will determine if initial action under this Policy, including the appointment of a Student Support Team (SST) and a Student Case Manager, is appropriate. If the decision is to take initial action under the Policy, the steps set out below will be taken.

b. Appointment of a Student Support Team and a Student Case Manager

30. As soon as practicable, and normally within three (3) business days of the notification, the Vice-Provost, Students, will designate the appointment of a Student Case Manager. The Student Case Manager will engage with the Student and become a point of contact with the Student to assist the Student in accessing available resources including Accommodations and liaising with the Student's division.
31. The Vice-Provost, Students will also establish a SST.

c. Notification to Student of a Referral to the Vice-Provost, Students

32. The Student Case Manager will notify the Student in writing that the Student's behaviour has resulted in a referral to the Vice-Provost, Students for consideration under this Policy and provide for an opportunity for a discussion with the Student regarding this Policy.
33. The Student is entitled to seek the support of a health professional of their choice, a legal advocate and/or a family member or other support person at any time during the application of this Policy.

d. Availability of Accommodations

34. At any time during the application of this Policy, the Student Case Manager will assist the Student in seeking Accommodations and other resources that could assist the Student to continue in the academic program without a Leave of Absence arranged under this Policy.
35. Some of the other resources that may be made available to the Student include referrals and contact information for internal and external community services and resources; and the availability of academic Accommodations in consultations with the divisional registrar or other appropriate divisional officials.
36. Wherever reasonably possible, the Student Case Manager should explore such alternatives in consultation with the Student, the Vice-Provost, Students, and the SST.

e. Voluntary Leave of Absence

37. At any time during the application of this Policy, the Student Case Manager may facilitate a Voluntary Leave of Absence. In the absence of a divisional Voluntary Leave of Absence policy or guideline, the following will apply:
- a. Where the assessment of the SST, in consultation with the Student Case Manager, is that a Voluntary Leave of Absence would be appropriate, the SST will develop recommendations for the terms and conditions that would apply, for consideration by the Student and by the Vice-Provost, Students.

- b. The Vice-Provost, Students, having consulted with the SST and, where circumstances warrant, with others having specialized knowledge or expertise, will outline in a written communication to the Student the circumstances giving rise to the decision to invoke this Policy, the process followed to arrive at this outcome, and terms and conditions of the recommended Voluntary Leave of Absence.
- c. The Student may submit comments to the Vice-Provost, Students in response to the recommendation.
- d. If the Vice-Provost, Students agrees with the recommendation, and the Student also agrees, the terms and conditions will be signed off by the SST and the Student, and the implementation process for the Voluntary Leave of Absence shall begin.
- e. If the Student is a Complainant or Respondent under the *Code of Student Conduct*, and if the Division Head agrees, any proceedings under the *Code* may be stayed until the Student returns, or until a time to be specified by the Division Head.
- f. When the Voluntary Leave is implemented, the Student Information System will reflect the fact that the Student is on a Leave of Absence under the terms of this Policy.

f. University-Mandated Leave of Absence

- 38. The Vice-Provost, Students may place the Student on a University-Mandated Leave of Absence after following the process set out below when:
 - a. The Student's behaviour meets the threshold for invoking the Policy described in section I.c.;
 - b. Reasonable efforts have been made to enable the Student to continue in their studies and to deploy Accommodations, but such efforts have not been successful and/or the Student has not participated in or cooperated with offered Accommodations; and
 - c. A Voluntary Leave of Absence has not been agreed to by the Student.
- 39. Where the Vice-Provost, Students is considering placing the Student on a University-Mandated Leave of Absence, the Student Case Manager will advise the Student that a University-Mandated Leave of Absence is under consideration.
- 40. As part of the consideration of the University-Mandated Leave of Absence, the Vice-Provost, Students has the discretion to seek whatever information is deemed useful based on the circumstances of the case, including via expert internal or external assistance, and will consult with an appropriate regulated health professional. Such expert external assistance could include, for example, seeking the Student's consent to undergo a risk assessment such as a psychiatric risk assessment, or medical or behavioural assessments, at the University's expense and with the Student's consent to disclosure of the information obtained. In addition, the Vice-Provost, Students shall have consulted with the SST, which itself will be comprised of people having relevant knowledge and expertise.
- 41. The SST, in consultation with the Student Case Manager, will develop recommendations for the terms and conditions of the potential University-Mandated Leave of Absence and return to studies, for consideration by the Vice-Provost, Students.
- 42. Prior to imposing a University-Mandated Leave of Absence, the Vice-Provost, Students will write to the Student and outline the circumstances giving rise to the decision to invoke this Policy, the circumstances giving rise to the view that a University-Mandated Leave of Absence should be considered, and the recommended terms and conditions of the University-Mandated Leave of

- Absence. The Student will be given an opportunity to provide information the Student believes to be relevant either at this stage or at any stage during the application of this Policy.
43. The Vice-Provost, Students, will decide based on the information available whether to impose a University-Mandated Leave of Absence, and communicate the decision to the Student in writing including the basis for the decision, and will provide information as to how to seek a review of the decision as set out in section V.
 44. The Student Information System will reflect that the Student is on a Leave of Absence under the terms of this Policy for the duration of the leave.
 45. While a University-Mandated Leave of Absence is under consideration, nothing precludes the Vice-Provost, Students and the Student from entering into a Voluntary Leave of Absence as specified in section IV.e.

URGENT SITUATIONS

46. In some urgent situations such as those involving serious threats or violent behaviour, it may be necessary to remove the Student from the University immediately. In such cases, the Vice-Provost, Students may temporarily place the Student on a University-Mandated Leave of Absence without following the above process, for up to five business days if, in the opinion of the Vice-Provost, Students, there is reasonable apprehension that the safety of the Student or others is endangered, damage to University property is likely to occur, or the continued presence of the Student would be significantly disruptive to the legitimate operations of the University. The Student will be informed immediately of the reasons for the University-Mandated Leave of Absence and will be afforded the opportunity to respond. The temporary University-Mandated Leave of Absence will be reviewed by the Vice-Provost, Students within the five business day period and notification to the Student whether or not the University-Mandated Leave of Absence is continued will be provided. The Student may seek review and appeal of that decision as set out below. During the five business days, the Vice-Provost, Students shall appoint a Student Case Manager and shall consider the terms and conditions of the leave, having regard to relevant circumstances such as those set out in section 48 below.

g. Terms and Conditions

47. Terms and conditions of Leaves of Absence agreed to or mandated under this Policy are to be tailored to the Student's individual circumstances and, wherever feasible (except in urgent University-Mandated Leave of Absence cases), shall consider input from the Student.
48. The terms and conditions may include but are not limited to:
 - where appropriate, the availability of academic credit for any academic work or academic research already completed;
 - the financial implications to the Student of the proposed Leave of Absence including any tuition reimbursement arrangements and changes to the status of any awards, stipends, or scholarships;
 - any limitations on the Student's access to University premises or activities;
 - where appropriate, the cessation of the Student's involvement in co-curricular and student life activities for the duration of the proposed Leave of Absence;

- where appropriate, transitional housing arrangements if the Student is living in a University residence;
 - where appropriate, consideration of the Student's access to health care at a campus health, counselling and wellness centre;
 - where appropriate, consultation with a Student Immigration Advisor;
 - where appropriate, the cessation of the Student's University-related work, research, or teaching obligations;
 - the method of communication between the Student and University for the duration of the proposed Leave of Absence;
 - the support available to the Student while on leave and steps the Student will take while on leave, including any specific forms of treatment or counselling;
 - where appropriate, an expert assessment required by the University to address the Student's ability to return to studies. This may include a psychiatric risk assessment, an assessment by another form of medical specialist, an occupational assessment, or some other kind of relevant expert assessment (see also section VI below);
 - Where possible, to identify, in advance, specific Accommodations that would be available upon a return to studies (see also section VI below); and
 - such other terms as the University considers appropriate and relevant to the Student's individual circumstances and are consistent with ongoing duties under the *Ontario Human Rights Code*.
49. The terms and conditions must clearly set out the duration of the Leave of Absence and the conditions and process for a return to studies.
50. In the case of a Leave of Absence that has been based, in whole or in part, on safety considerations, the terms and conditions will set out any requirements set by the University for the Student's safe "Return to Studies", which may include:
- verification that it is safe for the Student to return;
 - an outline of the support available to the Student upon return, including any Accommodations;
 - an indication that the Student may be subject to ongoing conditions;
 - an indication of who will be responsible for monitoring the Student's return to studies;
 - any provision for the periodic review or adjustment of the conditions; and
 - the conditions that the Student will have to meet to have the terms and conditions lifted following a successful return to studies.
51. The terms and conditions of the Leave of Absence should address the consequences of non-compliance with either the Leave of Absence or the return to studies.
52. Where the University considers it appropriate, the terms and conditions may include a provision limiting the Student's ability to be on University premises or part of the premises for the duration of the Leave of Absence. The terms and conditions could include that the Student may visit the University only if authorized in writing by the Student Case Manager, and may only communicate with designated University personnel and only for purposes related to the application of this Policy.

53. In the case of Voluntary Leaves of Absence, the terms and conditions are as agreed by the Vice-Provost, Students and the Student, or in the case of University-Mandated Leaves of Absence, are imposed by the Vice-Provost, Students and set out in a written notification to the Student.
54. No notation regarding the Leave of Absence will be reflected on the Student's academic transcript.

V. REVIEW AND APPEAL PROCESS

a. Review by the Provost

55. The Student may request that the Provost review the decision of the Vice-Provost, Students to place the Student on a University-Mandated Leave of Absence by making a request in writing, no later than 10 business days after the decision.
56. The time limit for the Student to request a review may be extended by the Provost.
57. The Provost shall review and respond to the request within 10 business days of receipt.
58. The Provost shall consider written submissions, if any, from the Student, as well as any new or additional information that the Student wishes to submit.
59. The Provost may consult with the SST and the Student Case Manager, or anyone else whom the Provost believes may have pertinent information.
60. The Provost will render a decision in writing with reasons.
61. The Provost may vary or confirm the Vice-Provost, Students' decision to place the Student on a University-Mandated Leave of Absence, or may refer the matter back to the Vice-Provost, Students for further consideration with whatever guidance the Provost deems appropriate.
62. While a matter is under review by the Provost, the conditions of the University-Mandated Leave of Absence as determined by the Vice-Provost, Students shall continue to apply.
63. At any time during this review process, the Student may elect to explore the possibility of a Voluntary Leave of Absence under a Divisional Policy, or in the absence of a Divisional Policy, this Policy. If the Voluntary Leave of Absence is agreed upon jointly by the Vice-Provost, Students, and the Student, the review by the Provost shall be discontinued.

b. Appeal to the University Tribunal

64. The Student may appeal the decision of the Provost to the Senior Chair (or delegate), or the Associate Chair (or delegate) of the Discipline Appeals Board of the University Tribunal by filing a written notice of appeal, together with any submissions the Student wishes to be considered, within 20 business days of the Provost's decision. The Provost may also make submissions in response to the appeal.
65. The time limit for appealing may be extended by agreement between the Student and the Provost or by the decision of the Senior Chair (or delegate), or the Associate Chair (or delegate) where the Senior Chair (or delegate), or the Associate Chair (or delegate) are satisfied that neither party has been prejudiced by the delay.

66. While the decision is under appeal, the terms and conditions of the University-Mandated Leave of Absence shall continue to apply.
67. The Senior Chair (or delegate), or the Associate Chair (or delegate) will hear and decide the appeal.
68. The decision of the Senior Chair (or delegate) or the Associate Chair (or delegate) is final.
69. At any time during the appeal process, the Student may elect to explore the possibility of a Voluntary Leave of Absence under a Divisional Policy, or in the absence of a Divisional Policy, this Policy. If the Voluntary Leave of Absence is agreed upon jointly by the Vice-Provost, Students, and the Student, the appeal of the Provost's Decision shall be discontinued.

c. Ongoing Ability to Provide Information During a Review or Appeal

70. At any stage during the review or appeal process, if the Student has new information that the Student believes may be relevant to the implementation of the University-Mandated Leave of Absence (including but not limited to medical information), it can be provided to the Vice-Provost, Students. The Vice-Provost, Students will determine if the information is relevant. This will not result in a new right of review or appeal, but may result in a discretionary decision to alter the terms and conditions of a University-Mandated Leave of Absence, or to its discontinuance. Any such changes will only occur after consultation with the Student.

VI. RETURN TO STUDIES AFTER A LEAVE OF ABSENCE

71. Following a Leave of Absence under this Policy, the Student must apply in writing to the Vice-Provost, Students in order to return to studies.
72. Unless otherwise specified in the terms and conditions, the application to return must be submitted at least 30 days prior to the term in which the Student wishes to enrol.
73. The Student's return to studies application should include information demonstrating that all terms and conditions associated with the Leave of Absence have been met and any supporting information that the Student chooses to submit, including updated medical information.
74. The Student is encouraged to provide information from any treating health specialists, and in particular, an opinion from a treating health professional that the Student is able to return safely to studies.
75. As a condition of the Student returning to their program, the Vice-Provost, Students has the discretion to seek expert external assistance, including for example, a psychiatric risk assessment, or medical or behavioural assessments, at the University's expense and with the Student's consent to disclosure of the information obtained. The Student Case Manager, in consultation with the Vice-Provost, Students, will be responsible for implementing any terms and conditions of the return to studies plan and the development of a monitoring program during the Student's return to studies.
76. If, based on the available information, the Vice-Provost, Students is of the view that the Student is unable to return to studies safely and/or to engage in the essential activities required to pursue an education at the University, the Vice-Provost, Students can continue the University-Mandated Leave of Absence under this Policy, or in the case of a Voluntary Leave of Absence,

can seek the Student's agreement to continue it. In the case of a decision to continue a University-Mandated Leave of Absence, or to convert a Voluntary Leave to a University-Mandated Leave of Absence, the decision of the Vice-Provost, Students is subject to review and appeal as described in section V.

77. If the Student does not contact the University within the timeframe specified in the terms and conditions, the University may notify the Student of the University's intention to terminate the Student's registration and/or association with the University and provide an opportunity for the Student to respond. The University will consider any response from the Student including whether an extension should be agreed to prior to proceeding to terminate the Student's registration and/or association.

VII. ANNUAL REPORTING AND PERIODIC REVIEW

78. The Office of the Vice-Provost, Students, shall prepare and submit annually to the University Affairs Board a report consisting of a narrative of the functioning of the Policy over the course of the preceding academic year. The report shall also include statistics in aggregate form, without names or any identifying personal information, of the numbers of Students agreeing to a Voluntary Leave of Absence, or being subject to a University-Mandated Leave of Absence decision under this Policy, and the numbers of any of those Students returning to registered status at the University during the academic year.
79. 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.

Approved by Governing Council on June 27, 2018.

RELATED DOCUMENTS (Added for reference by Secretariat, March 16, 2020)

[Ontario Human Rights Code](#)

[Code of Student Conduct](#)

[Accessibility for Ontarians with Disabilities Act](#)

[Occupational Health and Safety Act](#)

[Statement of Commitment Regarding Persons with Disabilities](#)

[Code of Behaviour on Academic Matters](#)

[Policy on Sexual Violence and Sexual Harassment](#)

[Freedom of Information and Protection of Privacy Act](#)

Supportive Leaves Policy

Commented [A1]: Name of Policy changed in response to recommendation from Reviewers and to better reflect the compassionate and supportive intent of the Policy.

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PREAMBLE

The University is committed to providing students with the opportunity to pursue their educational goals. It is also committed to maintaining a safe environment for study and work. Pursuant to the University's commitment to providing supports and accommodations for students and its obligation under the *Ontario Human Rights Code*, the University provides accommodative resources through a number of services, each involving specialized attention by experienced and qualified staff to the specific needs of students.

In most circumstances, these resources, combined with the engagement and cooperation of the student, will allow a student to obtain their educational goals. However, on a small number of occasions, ~~a student's behaviour that is believed to be arising from mental health or other similar issues may pose a risk of harm to others or result in substantial impairment of the educational experience of fellow students, and efforts to accommodate the student's needs may not be successful in mitigating or eliminating this risk.~~

In these ~~exceptional~~ circumstances, the potential application of the *Code of Student Conduct* will not be suitable, since it entails a disciplinary approach. This Policy, therefore, sets out additional options to better ~~accommodate~~ the needs and the situation of the student.

This Policy ~~must be~~ applied in a manner that fully complies with the *Ontario Human Rights Code* including (where applicable) the duty to provide reasonable accommodation to the point of undue hardship.

DEFINITIONS

The following definitions are intended to assist in the interpretation of this Policy.

Accommodation(s) – one or more accommodative measures (e.g. academic accommodations such as extra time to write an exam, physical accommodations to assist in the learning environment, etc.) provided pursuant to the *Ontario Human Rights Code's* duty to accommodate up to the point of undue hardship.

Student – For the purposes of this policy, "Student" means any person:

- (i) engaged in any academic work which leads to the recording and/or issue of a mark, grade or statement of performance by the appropriate authority in the University or another institution; and/or
- (ii) associated with or registered as a participant in any course or program of study offered by or through a college, faculty, school, centre, institute or other academic unit or division of the University; and/or
- (iii) entitled to a valid student card who is between sessions but is entitled because of student status to use University facilities.

Division Head – Principal, Dean or director ("head") of a faculty, college or school in which the Student is registered. In the case of a graduate Student, the Division Head ~~is~~ the Dean of the Faculty of the Student's academic program.

Student Case Manager – Person designated by the Vice-Provost, Students to be the point of contact with the Student throughout the process of this Policy's application, and to act as the liaison for the Student with staff who are engaged in exploring potential Accommodations and supports as well as with the offices engaged in providing advice on the terms and conditions if needed.

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Deleted: Similarly, it may not be consistent with the duty to accommodate to merely let the student confront significant negative academic consequences in these situations.

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Student Support Team (SST) – A team established by the Vice-Provost, Students that may include student service representatives, registrarial personnel, medical professionals, academic administrators, equity officers, or others. The team brings together multidisciplinary expertise to assist in a nuanced and comprehensive analysis of the Student’s needs. Campus Safety staff will not participate as members of the SST, unless requested by the Student, but may provide relevant information (e.g., release conditions imposed by the court) and/or consult on safety planning.

- Commented [A6]:** Campus Safety removed to reflect recommendation from reviewers and typical practice.
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- Commented [A7]:** Updated to reflect recommendation of external reviewer to clarify role of Campus Safety

I. INTRODUCTION

a. Guiding Principles

1. All Students in good standing at the University of Toronto (“the University”) should have the opportunity to pursue their academic aspirations.
2. The University offers supportive resources and Accommodations to assist Students who are encountering academic difficulties, including where those difficulties may arise from health issues or personal problems.
3. Students have personal autonomy regarding their health and wellness and are encouraged to seek the help they may need.
4. The success of Accommodations is significantly influenced by the Student’s own participation in and cooperation with the processes of exploring and implementing such Accommodations.
5. The University is committed to compliance with the *Ontario Human Rights Code*, to compliance with the *Accessibility for Ontarians with Disabilities Act*, and to the *Occupational Health and Safety Act*, including its obligations with respect to safety in the workplace. Furthermore, the University is committed to fulfilling the duty to accommodate persons with disabilities to the point of undue hardship in accordance with applicable laws, regulations and the University’s *Statement of Commitment Regarding Persons with Disabilities*. This commitment is reflected in resources that are made available throughout the University to Students with disabilities.
6. The University must respond effectively and responsibly regarding Students whose behaviour causes concern regarding the safety of others, or whose behaviour negatively and materially impacts the learning environment of others.
7. The University recognizes that some Students may benefit from an opportunity while not actively engaged in academic studies to focus their attention on engaging supports and assistance, and, if applicable, Accommodations, so as to increase the chances of success when academic studies resume.
8. The University has the obligation to address the conduct of a Student where it is necessary to do so in order to protect that Student and/or other members of the University, or to comply with legal duties, including statutory duties and those arising where it has a duty of care.
9. Supportive Leaves must only be mandated in exceptional circumstances and where the Student is provided with procedural safeguards as set out below. Such safeguards include, for example,

- Commented [A8]:** Revised to reflect recommendation of external reviewer to ensure the consistency of language throughout the Policy to clarify what is mandatory or discretionary within the Policy.
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- Commented [A9]:** Reference to personal safety removed to reflect removal of risk of harm to self from Policy.
- Deleted:** their own safety or
- Commented [A10]:** Revised for clarity
- Deleted:** would
- Commented [A11]:** Rephrased to emphasize University’s obligation to protect the safety of members of the University community.
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- Commented [A12]:** Revised to reflect recommendation of external reviewer to ensure the consistency of language throughout the Policy to clarify what is mandatory or discretionary within the Policy.
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- Deleted:** to provide

an opportunity to request a review and appeal of decisions made pursuant to the Policy, as well as ongoing ability to submit relevant information to a designated point of contact for due consideration by the University.

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10. Prior to invoking this Policy, the University **must** have pursued and sought the Student's participation in, and cooperation with, Accommodative measures, including but not limited to: informal discussion and meetings with the Student and relevant student support services; referrals to campus resources such as Accessibility Services, health and counselling and others; encouragement to seek treatment or seek other assistance voluntarily and to utilize divisional leaves of absence protocols and Accommodation policies. The Policy **should only** be invoked where such measures have been unsuccessful, or where the Student has **been unable** to participate and cooperate in the processes that **may** have provided the opportunity for success.
11. In invoking this Policy, the goal of the University is that the Student **may** resume academic activities safely and with a reasonable prospect of engaging in the basic activities required to pursue an education at the University.
12. Any Leave from the University under this Policy **must not to be treated or be perceived as** punitive or disciplinary and **must** be identified as an approved Leave.

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b. Application and Scope

13. This Policy applies to all Students as defined above.
14. This Policy provides a process as set out in section IV, which **provides** for a Student's registration and/or association with a course or program to be academically suspended or terms to be imposed on a Student's participation in University activities or attendance on University premises **in accordance with the provisions of this policy**, and where Accommodations and/or supportive resources have not been successful or are not feasible. This process also includes fairness provisions which permit the Student to seek review and appeal of the imposition of such terms as set out in sections IV and V.
15. This Policy provides additional processes to benefit Students in cases where issues such as serious mental health or other similar issues **may be** affecting the Student's ability to participate in the core educational activities that the University provides.
16. Nothing in this Policy precludes the University from acting independently of this Policy, and pursuant to its duties under the *Occupational Health and Safety Act*, or its general duty of care, or under any applicable legislation or University policies, in any situation where it believes there to be an urgent and/or serious situation of risk or potential risk of serious harm of any kind to any members of its community, the Student, or to the public.
17. Nothing in this Policy precludes the operation of any other University policies, including but not limited to the *Code of Student Conduct*, applicable *Residence Codes*, the *Code of Behaviour on Academic Matters*, the *Policy on Sexual Violence and Sexual Harassment*, and University policies for assessing academic achievement and progress. Depending on the circumstances, other University policies may apply.
18. Nothing in this Policy precludes the operation of voluntary leave policies or guidelines adopted by divisions. Some of the behaviour captured within the ambit of this Policy may fall within other

policies, including those identified above. Additionally, a Student may be governed by regulatory codes pertaining to specific professions (such as the health professions) or to licensing and accreditation requirements for specific designations. This Policy does not preclude the application of the obligations under those regulatory codes.

19. Where there are health or mental health components to the behaviour, this Policy is intended to provide an opportunity for the exploration of possible alternative approaches that may be better aligned to specific circumstances of the Student.

II. CONFIDENTIALITY AND PRIVACY

20. The University is committed to compliance with legislation dealing with the protection of privacy, including the *Freedom of Information and Protection of Privacy Act* and the *Personal Health Information Protection Act*, and it confirms that collection, use, and disclosure of personal information pursuant to this Policy **must** be in accordance with relevant law.
21. It is understood that safety considerations are paramount and may result in a need to disclose personal information without consent, including potentially beyond those who need to know it for the purposes of implementing the Policy. For example, confidentiality cannot be maintained when information **must** be disclosed in order to address a risk to the health and safety of members of the University community, or where the University is obliged by law to disclose the information. Examples include where:
- an individual is at risk of imminent **and/or** serious physical or psychological harm to themselves or others;
 - members of the University community may be at risk of harm; and/or
 - reporting or investigation is required by law.

III. ONGOING ABILITY TO PROVIDE INFORMATION

22. At any stage during the application of this Policy, the Student may provide new information to the Vice-Provost, Students that the Student believes is relevant including but not limited to medical information, specialist reports and other expert assessments.

IV. PROCESS

a. Notification to the Vice-Provost, Students

23. Where the Division Head believes that the Student's behavior **is such that they may benefit from a Supportive Leave**, the Division Head may **refer the matter to** the Vice-Provost, Students **for consideration under this Policy**.

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his Policy may be invoked when the Division Head, of the Division in which the Student is registered, receives information or becomes aware of a situation that indicates that the Student's behaviour meets the threshold as described below and the Division Head believes that this Policy is appropriate to address the situation. Meeting the threshold does not imply that the Student will automatically be placed on a University- Mandated Leave of Absence. Instead, the Policy allows the review and deployment of additional resources to assist the Student, ideally with the result that a University -Mandated Leave of Absence is not required. The Division Head's involvement is for the benefit of the Student, to ensure senior level academic engagement and that divisional resources are coordinated with central resources to provide the appropriate support for the student. ¶

The threshold for invoking the Policy encompasses two potential scenarios where there is reason to believe that the behaviour is related to serious mental health or other similar issues, as opposed to behaviour that should be dealt with under the disciplinary processes in the *Code of Student Conduct*, or behaviour where the normal application of academic standards (including the possibility of failure in a course, petitions and appeals, etc.) is appropriate and sufficient. ¶

Scenario 1: The Student's behaviour poses a risk of harm to self or others, including but not limited to a risk of imminent or serious physical or psychological harm, or harm that involves substantial impairment of the educational experience of fellow students. or ¶

Scenario 2: While not posing a risk of harm to self or others as described in Scenario 1, the ¶
Student is unable to engage in the essential activities required to pursue an education at the University notwithstanding Accommodations or supportive resources that have been deployed or offered to the Student by ... [1]

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24. In the above circumstances, where the Student is a graduate Student, the Vice-Provost, Graduate Research & Education, **must** also be informed.

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25. The notification to the Vice-Provost, Students **must** include:

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- a. The name of the Student;
- b. Description of events/incidents, including location, behaviour, and any other information relevant to the assessment of whether the threshold has been met and to the assessment of the possibility of a leave;
- c. Additional relevant information such as other people involved and/or any witnesses;
- d. Supportive resources offered or engaged, Accommodations if any, and interventions taken to date; and,
- e. Any other information that **may** assist the Vice-Provost, Students in making an informed assessment and a fair engagement with the Student who is the subject of the notification.

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26. The Vice-Provost, Students **must** determine if initial action under this Policy, including the appointment of a Student Support Team (SST) and a Student Case Manager, is appropriate. If the decision is to take initial action under the Policy, the steps set out below **must** be taken.

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27. Meeting the threshold in section IV.f.37.a, below, does not imply that the Student **must** automatically be placed on a Supportive Leave. Instead, the Policy allows for the review and deployment of additional resources to assist the Student, including Accommodation to the point of undue hardship, ideally with the result that a mandated Supportive Leave is not required. The Division Head's involvement is for the benefit of the Student to ensure senior level academic engagement and that divisional resources are coordinated with central resources to provide the appropriate support for the student.

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Commented [A32]: Addition based on recommendation of external reviewer to reinforce the requirement to provide Accommodations to the point of undue hardship.

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b. Appointment of a Student Support Team and a Student Case Manager

28. As soon as practicable, and normally within three (3) business days of the notification, the Vice-Provost, Students, **must** designate the appointment of a Student Case Manager. The Student Case Manager **must** engage with the Student and become a point of contact with the Student to assist the Student in accessing available resources including Accommodations and liaising with the Student's division.

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29. The Vice-Provost, Students **must** also establish a SST.

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c. Notification to Student of a Referral to the Vice-Provost, Students

30. The Vice-Provost, Students **must** notify the Student in writing that the Student's behaviour has resulted in a referral to the Vice-Provost, Students for consideration under this Policy. The Student Case Manager **must** make all reasonable efforts to offer support to the Student through the notification process and provide for an opportunity for a discussion with the Student regarding this Policy.

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31. The Student is entitled to seek the support of a health professional of their choice, a legal advocate and/or a family member or other support person at any time during the application of this Policy.

d. Availability of Accommodations

32. At any time during the **consideration and** application of this Policy, the Student Case Manager **must** assist the Student in seeking Accommodations and other resources that **may** assist the Student to continue in the academic program without a Leave arranged under this Policy.

33. Some of the other resources that may be made available to the Student include referrals and contact information for internal and external community services and resources; and the availability of academic Accommodations in consultations with the divisional registrar or other appropriate divisional officials.

34. Wherever reasonably possible, the Student Case Manager should explore such alternatives in consultation with the Student, the Vice-Provost, Students, and the SST.

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e. Voluntary Supportive Leaves

35. At any time during the application of this Policy, the Student Case Manager may facilitate a voluntary Supportive Leave. **The student remains eligible for a divisional voluntary leave of absence; however, a voluntary Supportive Leave may be appropriate where a Student's behaviour 1) is believed to be arising from mental health or other similar issues such that application of the Code of Student Conduct would not be appropriate, 2) is beyond what can be accommodated by divisional supports or divisional voluntary leave policies, 3) requires coordinated integration of divisional institutional, and community resources; and 4) requires a coordinated return-to-study plan and supporting documentation.**

36. In the absence of a divisional Voluntary Leave of Absence policy or guideline the following applies:

a. Where the assessment of the SST, in consultation with the Student Case Manager, is that a voluntary Supportive Leave **may** be appropriate, the SST **must** develop recommendations for the terms and conditions that **may** apply, for consideration by the Student and by the Vice-Provost, Students.

b. The Vice-Provost, Students, having consulted with the SST and, where circumstances warrant, with others having specialized knowledge or expertise, **must** outline in a written communication to the Student the circumstances giving rise to the decision to invoke this Policy, the process followed to arrive at this outcome, and terms and conditions of the recommended voluntary Supportive Leave.

c. The Student may submit comments to the Vice-Provost, Students in response to the recommendation.

d. If the Vice-Provost, Students **and the Student both** agree with the recommendation, the terms and conditions **must** be signed off by the SST and the Student, and the implementation process for the voluntary Supportive Leave **will** begin.

Commented [A41]: Revised to reflect the recommendation to expand divisional voluntary leave of absence policies and clarify the threshold for University-supported Voluntary Leaves of Absence.

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- e. If the Student is a Complainant or Respondent under the *Code of Student Conduct*, and if the Division Head agrees, any proceedings under the *Code* may be stayed until the Student returns, or until a time to be specified by the Division Head.
- f. When the voluntary **Supportive** Leave is implemented, the Student Information System **must** reflect the fact that the Student is on a Leave under the terms of this Policy.

f. Mandated **Supportive** Leaves

- 37. The Vice-Provost, Students may place the Student on a **mandated Supportive** Leave after following the process set out below when:
 - a. The Student's behaviour **poses a risk of harm to others, including but not limited to a risk of imminent and/or serious physical or psychological harm, or harm that involves substantial impairment of the educational experience of fellow students, where there is reason to believe that the behaviour is related to serious mental health or other similar issues, as opposed to behaviour that should be dealt with under the disciplinary processes in the Code of Student Conduct, or behaviour where the normal application of academic standards (including the possibility of failure in a course, petitions and appeals, etc.) is appropriate and sufficient. Note that mere discomfort with the Student's behaviour or negative responses resulting from animus towards those with disabilities does not qualify as psychological harm as understood in this threshold; and**
 - b. Reasonable efforts have been made to enable the Student to continue in their studies and to deploy Accommodations, but such efforts have not been successful and/or the Student has not participated in or cooperated with offered Accommodations.
- 38. Where the Vice-Provost, Students is considering placing the Student on a **mandated Supportive** Leave, the **Vice-Provost, Students, in coordination with the Student Case Manager, must** advise the Student that a **mandated Supportive** Leave is under consideration.
- 39. As part of the consideration of a **mandated Supportive** Leave, the Vice-Provost, Students **must make reasonable efforts** to seek **relevant** information based on the circumstances of the case, including via expert internal or external assistance, and **must** consult with an appropriate regulated health professional. Such expert external assistance **may** include, for example, seeking the Student's consent to undergo a risk assessment such as a psychiatric risk assessment, or medical or behavioural assessments, at the University's expense and with the Student's consent to disclosure of the information obtained. In addition, the Vice-Provost, Students **must** have consulted with the SST, which itself **comprises** people having relevant knowledge and expertise.
- 40. The SST, in consultation with the Student Case Manager, **must** develop recommendations for the terms and conditions of the potential **mandated Supportive** Leave and return to studies, for consideration by the Vice-Provost, Students.
- 41. Prior to imposing a **mandated Supportive** Leave, the Vice-Provost, Students **must** write to the Student and outline the circumstances giving rise to the decision to invoke this Policy, the circumstances giving rise to the **consideration of a mandated Supportive** Leave, and the recommended terms and conditions of the **mandated Supportive** Leave.

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A Voluntary Leave of Absence has not been agreed to by the Student. ...
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- Commented [A57]:** Revised for clarity
- Deleted:** view that

42. Upon receipt of the written notice, the Student has the right to provide information the Student believes to be relevant. Any information provided by the Student must be reviewed and considered by the Vice-Provost, Students. The right to provide additional relevant information and have it considered applies at all stages of the application of this Policy, as described in section V.c., below.
43. The Vice-Provost, Students, must decide based on the information available whether to impose a mandated Supportive Leave, and must communicate the decision to the Student in writing including the basis for the decision, and will provide information as to how to seek a review of the decision as set out in section V.
44. The Student Information System must reflect that the Student is on a Leave under the terms of this Policy for the duration of the leave.
45. While a mandated Supportive Leave is under consideration, nothing precludes the Vice-Provost, Students and the Student from entering into a Voluntary Leave of Absence either through divisional policies or as specified in section IV.e.

URGENT SITUATIONS

46. In some urgent situations such as those involving serious threats or violent behaviour, it may be necessary to remove the Student from the University immediately. In such cases, the Vice-Provost, Students may temporarily place the Student on a mandated Supportive Leave without following the above process, for up to five business days if, in the opinion of the Vice-Provost, Students, there is reasonable apprehension that the safety of others is endangered, damage to University property is likely to occur, or the continued presence of the Student may significantly interfere with the legitimate operations of the University, and efforts to provide reasonable accommodation to the point of undue hardship have either been unsuccessful or cannot be put in place sufficiently quickly to mitigate the risk of harm.
47. The Student must be informed immediately of the reasons for the mandated Supportive Leave and must be afforded the opportunity to respond.
48. The temporary mandated Supportive Leave must be reviewed by the Vice-Provost, Students within the five business day period and notification to the Student whether or not the mandated Supportive Leave is continued must be provided. The Student may seek review and appeal of that decision as set out below.
49. During the five business days, the Vice-Provost, Students must appoint a Student Case Manager and must consider the terms and conditions of the leave, having regard to relevant circumstances such as those set out in section 51 below.

g. Terms and Conditions

50. Terms and conditions of voluntary or mandated Supportive Leaves must be tailored to the Student's individual circumstances, must be consistent with the University's duty to accommodate to the point of undue hardship, and, wherever feasible (except in urgent mandated Supportive Leave cases), must consider input from the Student.

51. The terms and conditions may include but are not limited to:

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- Commented [A59]: Revised to reflect recommendation of external reviewer to ensure the consistency of language throughout the Policy to clarify what is mandatory or discretionary within the Policy.
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- Commented [A62]: Revised to clarify the threshold for urgent situations under the Policy.
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- Commented [A65]: Revised to reflect recommendat... [7]
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- Commented [A66]: Revised to reflect recommendat... [8]
- Commented [A67]: Revised to reflect recommendat... [9]
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- where appropriate, the availability of academic credit for any academic work or academic research already completed;
- the financial implications to the Student of the proposed Leave including any tuition reimbursement arrangements, continuation of health and dental benefits, and changes to the status of any awards, stipends, or scholarships;
- any limitations on the Student’s access to University premises or activities;
- where appropriate, the cessation of the Student’s involvement in co-curricular and student life activities for the duration of the proposed Leave;
- where appropriate, transitional housing arrangements if the Student is living in a University residence;
- where appropriate, consideration of the Student’s access to health care at a campus health, counselling and wellness centre;
- ~~where appropriate, consultation with a Student Immigration Advisor;~~
- where appropriate, consultation with Indigenous Elders and knowledge-keepers;
- where appropriate, the cessation of the Student’s University-related work, research, or teaching obligations;
- the method of communication between the Student and University for the duration of the proposed Leave;
- the support available to the Student while on leave and steps the Student must take while on leave, including any specific forms of treatment or counselling;
- where appropriate, an expert assessment required by the University to address the Student’s ability to return to studies. This may include a psychiatric risk assessment, an assessment by another form of medical specialist, an occupational assessment, or some other kind of relevant expert assessment (see also section VI below);
- Where possible, to identify, in advance, specific Accommodations that may be available upon a return to studies (see also section VI below); and
- such other terms as the University considers appropriate and relevant to the Student’s individual circumstances and are consistent with ongoing duties under the *Ontario Human Rights Code*.

Commented [A68]: Addition to terms and conditions as recommended by reviewers.

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52. The terms and conditions must clearly set out the duration of the Leave and the conditions and process for a return to studies.

53. In the case of a Leave that has been based, in whole or in part, on safety considerations, the terms and conditions must set out any University requirements for the Student’s safe “Return to Studies”, which may include:

- verification that it is safe for the Student to return;

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- an outline of the support available to the Student upon return, including any Accommodations;
- an indication that the Student may be subject to ongoing conditions;
- an indication of who will be responsible for monitoring the Student’s return to studies;
- an indication that, after a successful return to studies, the Student may be required to engage in periodic meetings with the Student Case Manager;
- any provision for the periodic review or adjustment of the conditions; and
- the conditions that the Student **must** meet to have the terms and conditions lifted following a successful return to studies.

54. The terms and conditions of the Leave should address the consequences of **non-adherence** with either the Leave or the return to studies.

55. Where the University considers it appropriate, the terms and conditions may include a provision limiting the Student’s ability to be on University premises or part of the premises for the duration of the Leave. The terms and conditions **may** include that the Student may visit the University only if authorized in writing by the Student Case Manager, and may only communicate with designated University personnel and only for purposes related to the application of this **Policy**.

56. The Student’s academic transcript **must not include any notation regarding the Leave.**

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Commented [A73]: Addition based on recommendation of external reviewer in recognition that this is a high risk period and there should be language related to ongoing safety monitoring.

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No notation regarding the Leave of Absence will be reflected on ...

V. REVIEW AND APPEAL PROCESS

a. Review by the Provost

57. The Student may request that the Provost review the decision of the Vice-Provost, Students to place the Student on a **mandated Supportive** Leave by making a request in writing, no later than 10 business days after the decision.

58. The Student may request an extension on the time limit for the Student to request a review and the Provost may extend the time limit, if appropriate, having regard to the University’s duty to accommodate to the point of undue hardship.

59. The Provost **must** review and respond to the request within 10 business days of receipt.

60. The Provost **must** consider written submissions, if any, from the Student, as well as any new or additional information that the Student wishes to submit.

61. The Provost may consult with the SST and the Student Case Manager, or anyone else whom the Provost believes may have pertinent information.

62. The Provost **must** render a decision in writing with reasons.

63. The Provost may vary or confirm the Vice-Provost, Students’ decision to place the Student on a **mandated Supportive Leave or** may refer the matter back to the Vice-Provost, Students for further consideration with whatever guidance the Provost deems appropriate.

Commented [A78]: Revised for clarity and to reinforce the University’s duty to accommodate to the point of undue hardship as recommended by external reviewer.

Commented [A79]: Revised to reflect recommendation of external reviewer to ensure the consistency of language throughout the Policy to clarify what is mandatory or discretionary within the Policy.

Deleted: <#>The time limit for the Student to request a review may be extended by the Provost. ¶

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64. While a matter is under review by the Provost, the conditions of the mandated Supportive Leave as determined by the Vice-Provost, Students shall continue to apply.

65. At any time during this review process, the Student may elect to explore the possibility of a Voluntary Leave of Absence under a Divisional Policy, or in the absence of a Divisional Policy, this Policy. If the Voluntary Leave of Absence is agreed upon jointly by the Vice-Provost, Students, and the Student, the review by the Provost must be discontinued.

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b. Appeal to the University Tribunal

66. The Student may appeal the decision of the Provost to the Senior Chair (or delegate), or the Associate Chair (or delegate) of the Discipline Appeals Board of the University Tribunal by filing a written notice of appeal, together with any submissions the Student wishes to be considered, within 20 business days of the Provost's decision. The Provost may also make submissions in response to the appeal.

67. In the ordinary course, and unless otherwise ordered, the Provost or representative must provide to the chair hearing the appeal the complete record upon which the decision being appealed from was made. The balance of the process for the disposition of appeals must be determined by the Senior Chair (or delegate), or Associate Chair (or delegate) designated to hear the appeal.

Commented [A83]: Addition intended to provide clarity regarding the appeal process.

68. The time limit for appealing may be extended by agreement between the Student and the Provost or by the decision of the Senior Chair (or delegate), or the Associate Chair (or delegate) where the Senior Chair (or delegate), or the Associate Chair (or delegate) are satisfied that neither party has been prejudiced by the delay.

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69. While the decision is under appeal, the terms and conditions of the mandated Supportive Leave continue to apply.

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70. The Senior Chair (or delegate), or the Associate Chair (or delegate), must hear and decide the appeal.

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71. The decision of the Senior Chair (or delegate) or the Associate Chair (or delegate) is final.

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72. At any time during the appeal process, the Student may elect to explore the possibility of a Voluntary Leave of Absence under a Divisional Policy, or in the absence of a Divisional Policy, this Policy. If the Voluntary Leave of Absence is agreed upon jointly by the Vice-Provost, Students, and the Student, the appeal of the Provost's Decision must be discontinued.

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c. Ongoing Ability to Provide Information During a Review or Appeal

73. At any stage during the review or appeal process, if the Student has new information that the Student believes may be relevant to the implementation of the mandated Supportive Leave (including but not limited to medical information), it may be provided to the Vice-Provost, Students. New information must be considered if it is relevant, as determined by the Vice-Provost, Students. New information provided during the review or appeal will not result in a new review or appeal process, but may result in a decision to alter the terms and conditions of a

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mandated **Supportive**, or to its discontinuance. Any such changes **must** only occur after consultation with the Student.

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VI. RETURN TO STUDIES AFTER A LEAVE

74. Following a Leave under this Policy, the Student must apply in writing to the Vice-Provost, Students in order to return to studies.

75. Unless otherwise specified in the terms and conditions, the application to return must be submitted at least 30 days prior to the term in which the Student wishes to enrol.

76. The Student's return to studies application should include information demonstrating that all terms and conditions associated with the Leave have been met and any supporting information that the Student chooses to submit, including updated medical information.

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77. The Student is encouraged to provide information from any treating health specialists, and in particular, an opinion from a treating health professional that the Student is able to return safely to studies.

78. The Vice-Provost, Students, must consider the Student's return to studies application, and in doing so, may seek expert external assistance, including for example, a psychiatric risk assessment, or medical or behavioural assessments, at the University's expense and with the Student's consent to disclosure of the information obtained.

Deleted: As a condition of the Student returning to their program, the Vice-Provost, Students has the discretion to ...

79. If, based on the available information, the Vice-Provost, Students is of the view that the Student is unable to return to studies safely and/or to engage in the essential activities required to pursue an education at the University, the Vice-Provost, Students **may** continue the **mandated Supportive** Leave under this Policy, or in the case of a **voluntary Supportive** Leave, **may** seek the Student's agreement to continue it. In the case of a decision to continue a **mandated Supportive** Leave, or to convert a **voluntary** Leave to a **mandated** Leave, the decision of the Vice-Provost, Students is subject to review and appeal as described in section V.

Moved down [1]: The Student Case Manager, in consultation with the Vice-Provost, Students, will be responsible for implementing any terms and conditions of the return to studies plan and the development of a monitoring program during the Student's return to studies.

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80. **If the Vice-Provost, Students is of the opinion that the student is able to return to studies safely and engage in the essential activities required to pursue an education at the University, the SST must establish a return to studies plan. The Student Case Manager, in consultation with the Vice-Provost, Students, will be responsible for implementing any terms and conditions of the return to studies plan and the development of a monitoring program during the Student's return to studies.**

Commented [A92]: Addition for greater clarity as to the development of a return to studies plan.

Moved (insertion) [1]

81. If the Student does not contact the University within the timeframe specified in the terms and conditions, the University may notify the Student of the University's intention to terminate the Student's registration and/or association with the University and provide an opportunity for the Student to respond. The University **must** consider any response from the Student including whether an extension should be agreed to prior to proceeding to terminate the Student's registration and/or association.

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VII. ANNUAL REPORTING AND PERIODIC REVIEW

82. The Office of the Vice-Provost, Students, **must** prepare and submit annually to the University Affairs Board a report consisting of a narrative of the functioning of the Policy over the course of the preceding academic year. The report **must** also include statistics in aggregate form, without names or any identifying personal information, of the number of Students agreeing to a **voluntary Supportive Leave**, or being subject to a **mandated Supportive Leave** decision under this Policy and the numbers of any of those Students returning to registered status at the University during the academic year.
83. The Provost undertakes to review the Policy in the **seventh** 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.

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Revised to reflect recommendation of external reviewer to ensure the consistency of language throughout the Policy to clarify what is mandatory or discretionary within the Policy.

Page 7: [3] Commented [A37] Author

Revised to reflect the current practice and clarify the role of the Student Case Manager

Page 9: [4] Commented [A56] Author

Revised to reflect recommendation of external reviewer to ensure the consistency of language throughout the Policy to clarify what is mandatory or discretionary within the Policy.

Page 10: [5] Commented [A63] Author

Revised to reflect recommendation of external reviewer to ensure that the University's duty to accommodate to the point of undue hardship is reinforced throughout the Policy.

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Section separated into several clauses for greater clarity. Language Revised to reflect recommendation of external reviewer to ensure the consistency of language throughout the Policy to clarify what is mandatory or discretionary within the Policy.

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Revised to reflect recommendation of external reviewer to ensure the consistency of language throughout the Policy to clarify what is mandatory or discretionary within the Policy.

Page 10: [8] Commented [A66] Author

Revised to reflect recommendation of external reviewer to ensure that the University's duty to accommodate to the point of undue hardship is reinforced throughout the Policy.

Page 10: [9] Commented [A67] Author

Revised to reflect recommendation of external reviewer to ensure the consistency of language throughout the Policy to clarify what is mandatory or discretionary within the Policy.

Supportive Leaves Policy

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PREAMBLE

The University is committed to providing students with the opportunity to pursue their educational goals. It is also committed to maintaining a safe environment for study and work. Pursuant to the University's commitment to providing supports and accommodations for students and its obligation under the *Ontario Human Rights Code*, the University provides accommodative resources through a number of services, each involving specialized attention by experienced and qualified staff to the specific needs of students.

In most circumstances, these resources, combined with the engagement and cooperation of the student, will allow a student to obtain their educational goals. However, on a small number of occasions, a student's behaviour that is believed to be arising from mental health or other similar issues may pose a risk of harm to others or result in substantial impairment of the educational experience of fellow students, and efforts to accommodate the student's needs may not be successful in mitigating or eliminating this risk.

In these exceptional circumstances, the potential application of the *Code of Student Conduct* will not be suitable, since it entails a disciplinary approach. This Policy, therefore, sets out additional options to better accommodate the needs and the situation of the student.

This Policy must be applied in a manner that fully complies with the *Ontario Human Rights Code* including (where applicable) the duty to provide reasonable accommodation to the point of undue hardship.

DEFINITIONS

The following definitions are intended to assist in the interpretation of this Policy.

Accommodation(s) – one or more accommodative measures (e.g. academic accommodations such as extra time to write an exam, physical accommodations to assist in the learning environment, etc.) provided pursuant to the *Ontario Human Rights Code's* duty to accommodate up to the point of undue hardship.

Student – For the purposes of this policy, "Student" means any person:

- (i) engaged in any academic work which leads to the recording and/or issue of a mark, grade or statement of performance by the appropriate authority in the University or another institution; and/or
- (ii) associated with or registered as a participant in any course or program of study offered by or through a college, faculty, school, centre, institute or other academic unit or division of the University; and/or
- (iii) entitled to a valid student card who is between sessions but is entitled because of student status to use University facilities.

Division Head – Principal, Dean or director ("head") of a faculty, college or school in which the Student is registered. In the case of a graduate Student, the Division Head is the Dean of the Faculty of the Student's academic program.

Student Case Manager – Person designated by the Vice-Provost, Students to be the point of contact with the Student throughout the process of this Policy's application, and to act as the liaison for the Student with staff who are engaged in exploring potential Accommodations and supports as well as with the offices engaged in providing advice on the terms and conditions if needed.

Student Support Team (SST) – A team established by the Vice-Provost, Students that may include student service representatives, registrarial personnel, medical professionals, academic administrators, equity officers, or others. The team brings together multidisciplinary expertise to assist in a nuanced and comprehensive analysis of the Student’s needs. Campus Safety staff will not participate as members of the SST, unless requested by the Student, but may provide relevant information (e.g., release conditions imposed by the court) and/or consult on safety planning.

I. INTRODUCTION

a. Guiding Principles

1. All Students in good standing at the University of Toronto (“the University”) should have the opportunity to pursue their academic aspirations.
2. The University offers supportive resources and Accommodations to assist Students who are encountering academic difficulties, including where those difficulties may arise from health issues or personal problems.
3. Students have personal autonomy regarding their health and wellness and are encouraged to seek the help they may need.
4. The success of Accommodations is significantly influenced by the Student’s own participation in and cooperation with the processes of exploring and implementing such Accommodations.
5. The University is committed to compliance with the *Ontario Human Rights Code*, to compliance with the *Accessibility for Ontarians with Disabilities Act*, and to the *Occupational Health and Safety Act*, including its obligations with respect to safety in the workplace. Furthermore, the University is committed to fulfilling the duty to accommodate persons with disabilities to the point of undue hardship in accordance with applicable laws, regulations and the University’s *Statement of Commitment Regarding Persons with Disabilities*. This commitment is reflected in resources that are made available throughout the University to Students with disabilities.
6. The University must respond effectively and responsibly regarding Students whose behaviour causes concern regarding the safety of others, or whose behaviour negatively and materially impacts the learning environment of others.
7. The University recognizes that some Students may benefit from an opportunity while not actively engaged in academic studies to focus their attention on engaging supports and assistance, and, if applicable, Accommodations, so as to increase the chances of success when academic studies resume.
8. The University has the obligation to address the conduct of a Student where it is necessary to do so in order to protect that Student and/or other members of the University, or to comply with legal duties, including statutory duties and those arising where it has a duty of care.
9. Supportive Leaves must only be mandated in exceptional circumstances and where the Student is provided with procedural safeguards as set out below. Such safeguards include, for example,

an opportunity to request a review and appeal of decisions made pursuant to the Policy, as well as ongoing ability to submit relevant information to a designated point of contact for due consideration by the University.

10. Prior to invoking this Policy, the University must have pursued and sought the Student's participation in, and cooperation with, Accommodative measures, including but not limited to: informal discussion and meetings with the Student and relevant student support services; referrals to campus resources such as Accessibility Services, health and counselling and others; encouragement to seek treatment or seek other assistance voluntarily and to utilize divisional leaves of absence protocols and Accommodation policies. The Policy should only be invoked where such measures have been unsuccessful, or where the Student has been unable to participate and cooperate in the processes that may have provided the opportunity for success.
11. In invoking this Policy, the goal of the University is that the Student may resume academic activities safely and with a reasonable prospect of engaging in the basic activities required to pursue an education at the University.
12. Any Leave from the University under this Policy must not be treated or be perceived as punitive or disciplinary and must be identified as an approved Leave.

b. Application and Scope

13. This Policy applies to all Students as defined above.
14. This Policy provides a process as set out in section IV, which provides for a Student's registration and/or association with a course or program to be academically suspended or terms to be imposed on a Student's participation in University activities or attendance on University premises in accordance with the provisions of this policy and where Accommodations and/or supportive resources have not been successful or are not feasible. This process also includes fairness provisions which permit the Student to seek review and appeal of the imposition of such terms as set out in sections IV and V.
15. This Policy provides additional processes to benefit Students in cases where issues such as serious mental health or other similar issues may be affecting the Student's ability to participate in the core educational activities that the University provides.
16. Nothing in this Policy precludes the University from acting independently of this Policy, and pursuant to its duties under the *Occupational Health and Safety Act*, or its general duty of care, or under any applicable legislation or University policies, in any situation where it believes there to be an urgent and/or serious situation of risk or potential risk of serious harm of any kind to any members of its community, the Student, or to the public.
17. Nothing in this Policy precludes the operation of any other University policies, including but not limited to the *Code of Student Conduct*, applicable *Residence Codes*, the *Code of Behaviour on Academic Matters*, the *Policy on Sexual Violence and Sexual Harassment*, and University policies for assessing academic achievement and progress. Depending on the circumstances, other University policies may apply.
18. Nothing in this Policy precludes the operation of voluntary leave policies or guidelines adopted by divisions. Some of the behaviour captured within the ambit of this Policy may fall within other

policies, including those identified above. Additionally, a Student may be governed by regulatory codes pertaining to specific professions (such as the health professions) or to licensing and accreditation requirements for specific designations. This Policy does not preclude the application of the obligations under those regulatory codes.

19. Where there are health or mental health components to the behaviour, this Policy is intended to provide an opportunity for the exploration of possible alternative approaches that may be better aligned to specific circumstances of the Student.

II. CONFIDENTIALITY AND PRIVACY

20. The University is committed to compliance with legislation dealing with the protection of privacy, including the *Freedom of Information and Protection of Privacy Act* and the *Personal Health Information Protection Act*, and it confirms that collection, use, and disclosure of personal information pursuant to this Policy must be in accordance with relevant law.
21. It is understood that safety considerations are paramount and may result in a need to disclose personal information without consent, including potentially beyond those who need to know it for the purposes of implementing the Policy. For example, confidentiality cannot be maintained when information must be disclosed in order to address a risk to the health and safety of members of the University community, or where the University is obliged by law to disclose the information. Examples include where:
 - a. an individual is at risk of imminent and/or serious physical or psychological harm to themselves or others;
 - b. members of the University community may be at risk of harm; and/or
 - c. reporting or investigation is required by law.

III. ONGOING ABILITY TO PROVIDE INFORMATION

22. At any stage during the application of this Policy, the Student may provide new information to the Vice-Provost, Students that the Student believes is relevant including but not limited to medical information, specialist reports and other expert assessments.

IV. PROCESS

a. Notification to the Vice-Provost, Students

23. Where the Division Head believes that the Student's behavior is such that they may benefit from a Supportive Leave, the Division Head may refer the matter to the Vice-Provost, Students for consideration under this Policy.

24. In the above circumstances, where the Student is a graduate Student, the Vice-Provost, Graduate Research & Education, must also be informed.
25. The notification to the Vice-Provost, Students must include:
 - a. The name of the Student;
 - b. Description of events/incidents, including location, behaviour, and any other information relevant to the assessment of whether the threshold has been met and to the assessment of the possibility of a leave;
 - c. Additional relevant information such as other people involved and/or any witnesses;
 - d. Supportive resources offered or engaged, Accommodations if any, and interventions taken to date; and,
 - e. Any other information that may assist the Vice-Provost, Students in making an informed assessment and a fair engagement with the Student who is the subject of the notification.
26. The Vice-Provost, Students must determine if initial action under this Policy, including the appointment of a Student Support Team (SST) and a Student Case Manager, is appropriate. If the decision is to take initial action under the Policy, the steps set out below must be taken.
27. Meeting the threshold in section IV.f.37.a, below, does not imply that the Student must automatically be placed on a Supportive Leave. Instead, the Policy allows for the review and deployment of additional resources to assist the Student, including Accommodation to the point of undue hardship, ideally with the result that a mandated Supportive Leave is not required. The Division Head's involvement is for the benefit of the Student to ensure senior level academic engagement and that divisional resources are coordinated with central resources to provide the appropriate support for the student.

b. Appointment of a Student Support Team and a Student Case Manager

28. As soon as practicable, and normally within three (3) business days of the notification, the Vice-Provost, Students, must designate the appointment of a Student Case Manager. The Student Case Manager must engage with the Student and become a point of contact with the Student to assist the Student in accessing available resources including Accommodations and liaising with the Student's division.
29. The Vice-Provost, Students must also establish a SST.

c. Notification to Student of a Referral to the Vice-Provost, Students

30. The Vice-Provost, Students must notify the Student in writing that the Student's behaviour has resulted in a referral to the Vice-Provost, Students for consideration under this Policy. The Student Case Manager must make all reasonable efforts to offer support to the Student through the notification process and provide for an opportunity for a discussion with the Student regarding this Policy.

31. The Student is entitled to seek the support of a health professional of their choice, a legal advocate and/or a family member or other support person at any time during the application of this Policy.

d. Availability of Accommodations

32. At any time during the consideration and application of this Policy, the Student Case Manager must assist the Student in seeking Accommodations and other resources that may assist the Student to continue in the academic program without a Leave arranged under this Policy.
33. Some of the other resources that may be made available to the Student include referrals and contact information for internal and external community services and resources; and the availability of academic Accommodations in consultations with the divisional registrar or other appropriate divisional officials.
34. Wherever reasonably possible, the Student Case Manager should explore such alternatives in consultation with the Student, the Vice-Provost, Students, and the SST.

e. Voluntary Supportive Leaves

35. At any time during the application of this Policy, the Student Case Manager may facilitate a voluntary Supportive Leave. The student remains eligible for a divisional voluntary leave of absence; however, a voluntary Supportive Leave may be appropriate where a Student's behaviour 1) is believed to be arising from mental health or other similar issues such that application of the Code of Student Conduct would not be appropriate, 2) is beyond what can be accommodated by divisional supports or divisional voluntary leave policies, 3) requires coordinated integration of divisional institutional, and community resources; and 4) requires a coordinated return-to-study plan and supporting documentation.
36. In the absence of a divisional Voluntary Leave of Absence policy or guideline the following applies:
 - a. Where the assessment of the SST, in consultation with the Student Case Manager, is that a voluntary Supportive Leave may be appropriate, the SST must develop recommendations for the terms and conditions that may apply, for consideration by the Student and by the Vice-Provost, Students.
 - b. The Vice-Provost, Students, having consulted with the SST and, where circumstances warrant, with others having specialized knowledge or expertise, must outline in a written communication to the Student the circumstances giving rise to the decision to invoke this Policy, the process followed to arrive at this outcome, and terms and conditions of the recommended voluntary Supportive Leave.
 - c. The Student may submit comments to the Vice-Provost, Students in response to the recommendation.
 - d. If the Vice-Provost, Students and the Student both agree with the recommendation, the terms and conditions must be signed off by the SST and the Student, and the implementation process for the voluntary Supportive Leave will begin.

- e. If the Student is a Complainant or Respondent under the *Code of Student Conduct*, and if the Division Head agrees, any proceedings under the *Code* may be stayed until the Student returns, or until a time to be specified by the Division Head.
- f. When the voluntary Supportive Leave is implemented, the Student Information System must reflect the fact that the Student is on a Leave under the terms of this Policy.

f. Mandated Supportive Leaves

- 37. The Vice-Provost, Students may place the Student on a mandated Supportive Leave after following the process set out below when:
 - a. The Student's behaviour poses a risk of harm to others, including but not limited to a risk of imminent and/or serious physical or psychological harm, or harm that involves substantial impairment of the educational experience of fellow students, where there is reason to believe that the behaviour is related to serious mental health or other similar issues, as opposed to behaviour that should be dealt with under the disciplinary processes in the Code of Student Conduct, or behaviour where the normal application of academic standards (including the possibility of failure in a course, petitions and appeals, etc.) is appropriate and sufficient. Note that mere discomfort with the Student's behaviour or negative responses resulting from animus towards those with disabilities does not qualify as psychological harm as understood in this threshold; and
 - b. Reasonable efforts have been made to enable the Student to continue in their studies and to deploy Accommodations, but such efforts have not been successful and/or the Student has not participated in or cooperated with offered Accommodations.
- 38. Where the Vice-Provost, Students is considering placing the Student on a mandated Supportive Leave, the Vice-Provost, Students, in coordination with the Student Case Manager, must advise the Student that a mandated Supportive Leave is under consideration.
- 39. As part of the consideration of a mandated Supportive Leave, the Vice-Provost, Students must make reasonable efforts to seek relevant information based on the circumstances of the case, including via expert internal or external assistance, and must consult with an appropriate regulated health professional. Such expert external assistance may include, for example, seeking the Student's consent to undergo a risk assessment such as a psychiatric risk assessment, or medical or behavioural assessments, at the University's expense and with the Student's consent to disclosure of the information obtained. In addition, the Vice-Provost, Students must have consulted with the SST, which itself comprises people having relevant knowledge and expertise.
- 40. The SST, in consultation with the Student Case Manager, must develop recommendations for the terms and conditions of the potential mandated Supportive Leave and return to studies, for consideration by the Vice-Provost, Students.
- 41. Prior to imposing a mandated Supportive Leave, the Vice-Provost, Students must write to the Student and outline the circumstances giving rise to the decision to invoke this Policy, the circumstances giving rise to the consideration of a mandated Supportive Leave, and the recommended terms and conditions of the mandated Supportive Leave.

42. Upon receipt of the written notice, the Student has the right to provide information the Student believes to be relevant. Any information provided by the Student must be reviewed and considered by the Vice-Provost, Students. The right to provide additional relevant information and have it considered applies at all stages of the application of this Policy, as described in section V.c., below.
43. The Vice-Provost, Students, must decide based on the information available whether to impose a mandated Supportive Leave, and must communicate the decision to the Student in writing including the basis for the decision, and will provide information as to how to seek a review of the decision as set out in section V.
44. The Student Information System must reflect that the Student is on a Leave under the terms of this Policy for the duration of the leave.
45. While a mandated Supportive Leave is under consideration, nothing precludes the Vice-Provost, Students and the Student from entering into a Voluntary Leave of Absence either through divisional policies or as specified in section IV.e.

URGENT SITUATIONS

46. In some urgent situations such as those involving serious threats or violent behaviour, it may be necessary to remove the Student from the University immediately. In such cases, the Vice-Provost, Students may temporarily place the Student on a mandated Supportive Leave without following the above process, for up to five business days if, in the opinion of the Vice-Provost, Students, there is reasonable apprehension that the safety of others is endangered, damage to University property is likely to occur, or the continued presence of the Student may significantly interfere with the legitimate operations of the University, and efforts to provide reasonable accommodation to the point of undue hardship have either been unsuccessful or cannot be put in place sufficiently quickly to mitigate the risk of harm.
47. The Student must be informed immediately of the reasons for the mandated Supportive Leave and must be afforded the opportunity to respond.
48. The temporary mandated Supportive Leave must be reviewed by the Vice-Provost, Students within the five business day period and notification to the Student whether or not the mandated Supportive Leave is continued must be provided. The Student may seek review and appeal of that decision as set out below.
49. During the five business days, the Vice-Provost, Students must appoint a Student Case Manager and must consider the terms and conditions of the leave, having regard to relevant circumstances such as those set out in section 51 below.

g. Terms and Conditions

50. Terms and conditions of voluntary or mandated Supportive Leaves must be tailored to the Student's individual circumstances, must be consistent with the University's duty to accommodate to the point of undue hardship, and, wherever feasible (except in urgent mandated Supportive Leave cases), must consider input from the Student.
51. The terms and conditions may include but are not limited to:

- where appropriate, the availability of academic credit for any academic work or academic research already completed;
- the financial implications to the Student of the proposed Leave including any tuition reimbursement arrangements, continuation of health and dental benefits, and changes to the status of any awards, stipends, or scholarships;
- any limitations on the Student's access to University premises or activities;
- where appropriate, the cessation of the Student's involvement in co-curricular and student life activities for the duration of the proposed Leave;
- where appropriate, transitional housing arrangements if the Student is living in a University residence;
- where appropriate, consideration of the Student's access to health care at a campus health, counselling and wellness centre;
- where appropriate, consultation with a Student Immigration Advisor;
- where appropriate, consultation with Indigenous Elders and knowledge-keepers;
- where appropriate, the cessation of the Student's University-related work, research, or teaching obligations;
- the method of communication between the Student and University for the duration of the proposed Leave;
- the support available to the Student while on leave and steps the Student must take while on leave, including any specific forms of treatment or counselling;
- where appropriate, an expert assessment required by the University to address the Student's ability to return to studies. This may include a psychiatric risk assessment, an assessment by another form of medical specialist, an occupational assessment, or some other kind of relevant expert assessment (see also section VI below);
- Where possible, to identify, in advance, specific Accommodations that may be available upon a return to studies (see also section VI below); and
- such other terms as the University considers appropriate and relevant to the Student's individual circumstances and are consistent with ongoing duties under the *Ontario Human Rights Code*.

52. The terms and conditions must clearly set out the duration of the Leave and the conditions and process for a return to studies.

53. In the case of a Leave that has been based, in whole or in part, on safety

considerations, the terms and conditions must set out any University requirements for the Student's safe "Return to Studies", which may include:

- verification that it is safe for the Student to return;
- an outline of the support available to the Student upon return, including any Accommodations;

- an indication that the Student may be subject to ongoing conditions;
 - an indication of who will be responsible for monitoring the Student's return to studies;
 - an indication that, after a successful return to studies, the Student may be required to engage in periodic meetings with the Student Case Manager;
 - any provision for the periodic review or adjustment of the conditions; and
 - the conditions that the Student must meet to have the terms and conditions lifted following a successful return to studies.
54. The terms and conditions of the Leave should address the consequences of non-adherence with either the Leave or the return to studies.
55. Where the University considers it appropriate, the terms and conditions may include a provision limiting the Student's ability to be on University premises or part of the premises for the duration of the Leave. The terms and conditions may include that the Student may visit the University only if authorized in writing by the Student Case Manager, and may only communicate with designated University personnel and only for purposes related to the application of this Policy.
56. The Student's academic transcript must not include any notation regarding the Leave.

V. REVIEW AND APPEAL PROCESS

a. Review by the Provost

57. The Student may request that the Provost review the decision of the Vice-Provost, Students to place the Student on a mandated Supportive Leave by making a request in writing, no later than 10 business days after the decision.
58. The Student may request an extension on the time limit for the Student to request a review and the Provost may extend the time limit, if appropriate, having regard to the University's duty to accommodate to the point of undue hardship.
59. The Provost must review and respond to the request within 10 business days of receipt.
60. The Provost must consider written submissions, if any, from the Student, as well as any new or additional information that the Student wishes to submit.
61. The Provost may consult with the SST and the Student Case Manager, or anyone else whom the Provost believes may have pertinent information.
62. The Provost must render a decision in writing with reasons.
63. The Provost may vary or confirm the Vice-Provost, Students' decision to place the Student on a mandated Supportive Leave or may refer the matter back to the Vice-Provost, Students for further consideration with whatever guidance the Provost deems appropriate.
64. While a matter is under review by the Provost, the conditions of the mandated Supportive Leave as determined by the Vice-Provost, Students shall continue to apply.

65. At any time during this review process, the Student may elect to explore the possibility of a Voluntary Leave of Absence under a Divisional Policy, or in the absence of a Divisional Policy, this Policy. If the Voluntary Leave of Absence is agreed upon jointly by the Vice-Provost, Students, and the Student, the review by the Provost must be discontinued.

b. Appeal to the University Tribunal

66. The Student may appeal the decision of the Provost to the Senior Chair (or delegate), or the Associate Chair (or delegate) of the Discipline Appeals Board of the University Tribunal by filing a written notice of appeal, together with any submissions the Student wishes to be considered, within 20 business days of the Provost's decision. The Provost may also make submissions in response to the appeal.
67. In the ordinary course, and unless otherwise ordered, the Provost or representative must provide to the chair hearing the appeal the complete record upon which the decision being appealed from was made. The balance of the process for the disposition of appeals must be determined by the Senior Chair (or delegate), or Associate Chair (or delegate) designated to hear the appeal.
68. The time limit for appealing may be extended by agreement between the Student and the Provost or by the decision of the Senior Chair (or delegate), or the Associate Chair (or delegate) where the Senior Chair (or delegate), or the Associate Chair (or delegate) are satisfied that neither party has been prejudiced by the delay.
69. While the decision is under appeal, the terms and conditions of the mandated Supportive Leave continue to apply.
70. The Senior Chair (or delegate), or the Associate Chair (or delegate) must hear and decide the appeal.
71. The decision of the Senior Chair (or delegate) or the Associate Chair (or delegate) is final.
72. At any time during the appeal process, the Student may elect to explore the possibility of a Voluntary Leave of Absence under a Divisional Policy, or in the absence of a Divisional Policy, this Policy. If the Voluntary Leave of Absence is agreed upon jointly by the Vice-Provost, Students, and the Student, the appeal of the Provost's Decision must be discontinued.

c. Ongoing Ability to Provide Information During a Review or Appeal

73. At any stage during the review or appeal process, if the Student has new information that the Student believes may be relevant to the implementation of the mandated Supportive Leave (including but not limited to medical information), it may be provided to the Vice-Provost, Students. New information must be considered if it is relevant, as determined by the Vice-Provost, Students. New information provided during the review or appeal will not result in a new review or appeal process, but may result in a decision to alter the terms and conditions of a mandated Supportive, or to its discontinuance. Any such changes must only occur after consultation with the Student.

VI. RETURN TO STUDIES AFTER A LEAVE

74. Following a Leave under this Policy, the Student must apply in writing to the Vice-Provost, Students in order to return to studies.
75. Unless otherwise specified in the terms and conditions, the application to return must be submitted at least 30 days prior to the term in which the Student wishes to enrol.
76. The Student's return to studies application should include information demonstrating that all terms and conditions associated with the Leave have been met and any supporting information that the Student chooses to submit, including updated medical information.
77. The Student is encouraged to provide information from any treating health specialists, and in particular, an opinion from a treating health professional that the Student is able to return safely to studies.
78. The Vice-Provost, Students, must consider the Student's return to studies application, and in doing so, may seek expert external assistance, including for example, a psychiatric risk assessment, or medical or behavioural assessments, at the University's expense and with the Student's consent to disclosure of the information obtained.
79. If, based on the available information, the Vice-Provost, Students is of the view that the Student is unable to return to studies safely and/or to engage in the essential activities required to pursue an education at the University, the Vice-Provost, Students may continue the mandated Supportive Leave under this Policy, or in the case of a voluntary Supportive Leave, may seek the Student's agreement to continue it. In the case of a decision to continue a mandated Supportive Leave, or to convert a voluntary Leave to a mandated Leave, the decision of the Vice-Provost, Students is subject to review and appeal as described in section V.
80. If the Vice-Provost, Students is of the opinion that the student is able to return to studies safely and engage in the essential activities required to pursue an education at the University, the SST must establish a return to studies plan. The Student Case Manager, in consultation with the Vice-Provost, Students, will be responsible for implementing any terms and conditions of the return to studies plan and the development of a monitoring program during the Student's return to studies.
81. If the Student does not contact the University within the timeframe specified in the terms and conditions, the University may notify the Student of the University's intention to terminate the Student's registration and/or association with the University and provide an opportunity for the Student to respond. The University must consider any response from the Student including whether an extension should be agreed to prior to proceeding to terminate the Student's registration and/or association.

VII. ANNUAL REPORTING AND PERIODIC REVIEW

82. The Office of the Vice-Provost, Students, must prepare and submit annually to the University Affairs Board a report consisting of a narrative of the functioning of the Policy over the course of the preceding academic year. The report must also include statistics in aggregate form, without names or any identifying personal information, of the number of Students agreeing to a voluntary Supportive Leave, or being subject to a mandated Supportive Leave decision under this Policy and the numbers of any of those Students returning to registered status at the University during the academic year.
83. The Provost undertakes to review the Policy in the seventh 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.

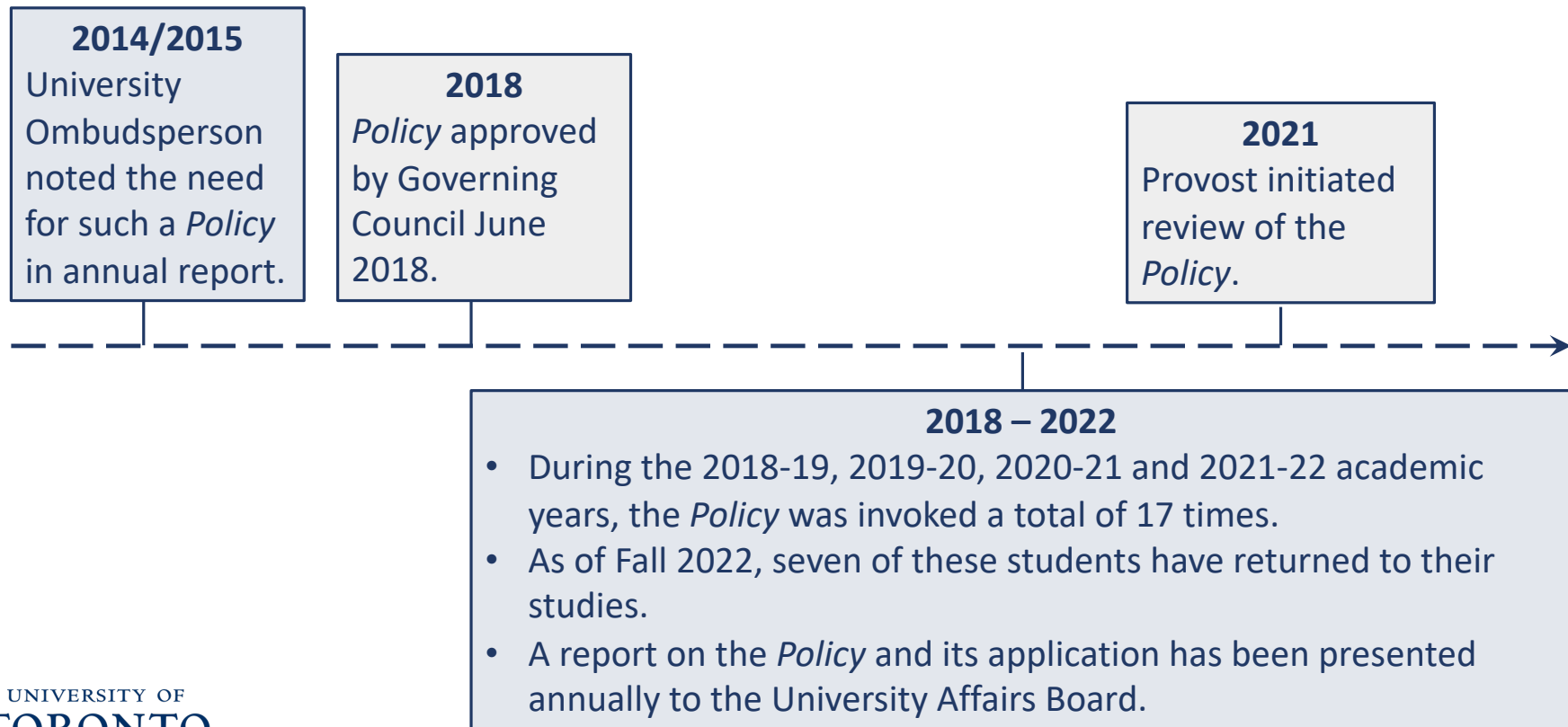


Revisions to the *University-Mandated Leave of Absence Policy*

Cycle 3 – January-February 2023



Background on the *Policy*



Policy Review

Consultations

- Four open town halls
- Meetings with student societies and other student organizations
- Five open student consultations led by the Innovation Hub
- Consultations with staff and faculty across all three campuses
- Consultation with the University Ombudsperson
- Online consultation site open to all members of the University community from March 1, to November 30, 2021

Policy Review

Analysis

- Feedback distilled into major themes.
- Themes and recommendations presented to governance, Fall 2021.
- All recommendations accepted by the University.

Policy Recommendations

- Maintaining a version of the *Policy*, with some revisions;
- Renaming the *Policy* to more accurately reflect its purpose and the options contained within the *Policy*;
- Restricting 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;
- Reinforcing that mere discomfort about a student's behavior resulting from mental illness does not qualify as a psychological harm under the *Policy*; and,
- Conducting a further review of the *Policy* after three years.

Policy Review

External Consultations

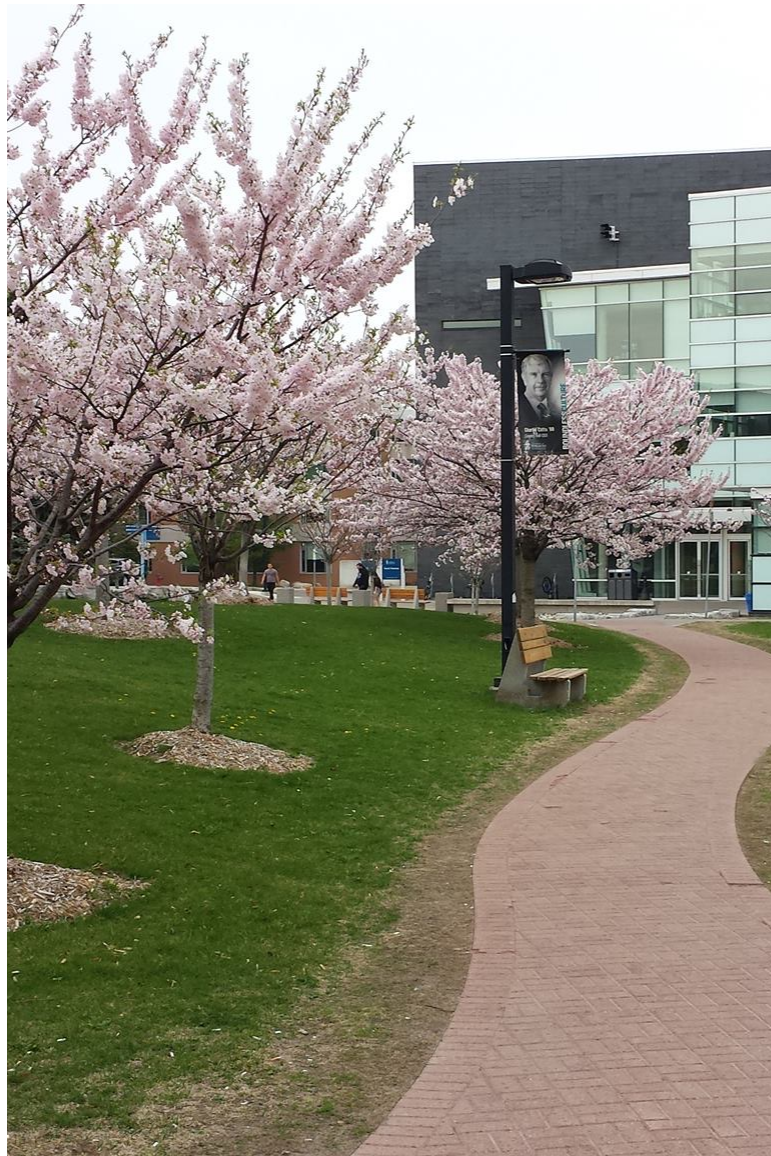
- Draft *Policy* revisions shared with two external experts in Human Rights Law and Psychiatry.
- Feedback included:
 - Confirmation that, in their views, the draft *Policy* was largely consistent with and implemented the University's human rights obligations and appropriately addressed issues with respect to students affected by mental illness, including engagement in clinical care.
 - Recommendations for revised language to clarify the University's responsibilities and obligations and ensure language within the *Policy* is aligned with best practices in mental health.
- Feedback from external consultations was incorporated into revised *Policy*.

Policy Revisions

Changes to the *Policy* reflect recommendations from the initial review as well as the external expert consultations, including:

- Renaming the *Policy* to more accurately reflect its purpose and the options contained within the *Policy*.
- Restricting 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.
- Reinforcing the University's obligation to provide necessary accommodations up to the point of undue hardship.
- Clarifying language within the *Policy* to communicate what actions on the part of the University are mandatory versus discretionary.





Policy Resources and Supports

In response to recommendations from the review, the University will:

- Produce a companion guide to the revised *Policy*.
- Explore opportunities to respond to requests from undergraduate students for divisional voluntary leave of absence policies.
- Continue efforts to enhance student mental health resources and accessibility services.
- Consider how additional cultural and/or family supports may be added for students placed on a Leave.
- Provide additional guidance to Division Heads with regard to the *Policy* and its application.
- Track and report on additional data related to the *Policy*, including aggregate demographic data, divisional referrals for consideration under the *Policy*, and timelines for those on leave.

Impact of *Policy* Changes

- Narrowing scope of *Policy* and reinforcement of its applicability to a small number of exceptional circumstances where the safety of members of the University community are at risk and all other accommodative measures have been unsuccessful.
- Better articulation of the Student's rights and the University's responsibilities and obligations.
- Reinforcement of the compassionate intent of the *Policy*.



Governance Path

1. University Affairs Board [for recommendation]
(January 18, 2023)
2. UTM Campus Council [for information]
(January 24, 2023)
3. UTSC Campus Council [for information]
(January 25, 2023)
4. Academic Board [for concurrence with the
recommendation of the University Affairs Board]
(January 26, 2023)
5. Executive Committee [for endorsement and forwarding]
(February 7, 2023)
6. Governing Council [for approval]
(February 15, 2023)

