

**FOR INFORMATION**

**PUBLIC**

**OPEN SESSION**

**TO:** University Affairs Board

**SPONSOR:** Sandy Welsh, Vice-Provost, Students

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**PRESENTER:** same as above

**CONTACT INFO:**

**DATE:** October 31, 2019 for November 13, 2019

**AGENDA ITEM:** 4

**ITEM IDENTIFICATION:**

Report on the *University-Mandated Leave of Absence Policy*: 2018-19

**JURISDICTIONAL INFORMATION:**

Section 5.6 of the *Terms of Reference* for the University Affairs Board provides that:

The Board receives, annually from its assessors, reports on matters within its areas of responsibility, (for example, but not limited to, trademark licensing, non-academic discipline, and submission of audited financial statements of student societies) including statements of current issues, opportunities and problems, and recommendations for changes in policies, plans or priorities that would address such issues.

Section 78 of the *University-Mandated Leave of Absence Policy*, provides that:

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.

**GOVERNANCE PATH:**

1. **University Affairs Board [For Information] (November 13, 2019)**

**PREVIOUS ACTION TAKEN:**

The *Policy* was approved on June 27, 2018.

**HIGHLIGHTS:**

The *University-Mandated Leave of Absence Policy* is intended for a very small number of students who meet the high threshold as described in the *Policy*, and where the presence of mental health or other similar concerns provides a context for University action that is not disciplinary in nature.

Before a leave is contemplated under the *Policy*, a review of the accommodations and supports provided to the student is undertaken. Should there be other accommodations or supports that may be helpful, those are considered first. Additionally, students are encouraged, and supported, to agree to take a Voluntary Leave of Absence. Students are also able to provide additional relevant information pertaining to the leave at any time throughout the process.

The *Policy* is designed to be used in exceptional circumstances, and even then only with very significant procedural safeguards for students and a rigorous approach to exploring accommodations and supportive resources.

This *Policy* does not preclude the operation of other laws, policies and procedures.

In the 2018-2019 academic year, the *Policy* was used eight times.

**FINANCIAL AND/OR PLANNING IMPLICATIONS:**

There are no financial implications.

**RECOMMENDATION:**

For Information.

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**DOCUMENTATION PROVIDED:**

Summary of *University-Mandated Leave of Absence Policy* 2018-2019.

## Summary of Cases Under the *University-Mandated Leave of Absence Policy*: 2018 – 2019

The information presented within this report relates to cases under the *University-Mandated Leave of Absence Policy* for the 2018-2019 academic year. The *University-Mandated Leave of Absence Policy* was established on June 27, 2018. As per the *Policy*, “the report will consist 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 identifying personal information, of the numbers of Students agreeing to a Voluntary Leave of Absence, or being placed on a University-Mandated Leave of Absence, and the numbers of any of those Students returning to registered status at the University during the academic year.”

### Statistics

In the 2018 – 2019 academic year, the *Policy* was used eight times. The cases included serious threats with plans, physical attacks, and persistent and concerning communications.<sup>1</sup> Six cases involved *Urgent Situations* that involved very significant safety risks to others, resulting in an immediate response from the University. The other two cases also involved safety risks, and although they too were significant, they were not viewed as involving imminent safety risk.

The University Ombudsperson has reviewed the factual specifics of each of these cases and has not identified any concerns with the relevant criteria not being satisfied.

Two of the eight cases resulted in voluntary leaves.

The eight students are all domestic students and are studying in a range of programs

	<b>2018-2019</b>
University-Mandated Leaves of Absence	6
Voluntary Leaves of Absence	2
Of the foregoing: Urgent Situations	6
Of the foregoing: Returned to Studies in 2018-2019	2

During the academic year, two of the eight students returned to studies with accommodations within 6 weeks of being placed on a leave. (In one case, the 6 weeks was due to the summer break; the other returned to studies within one week). Two additional students returned in July and September 2019

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<sup>1</sup> Given the small number of students involved, the extreme sensitivity of personal information, and privacy rights of the individuals, the specific facts pertaining to each case are not identified.

respectively -- both of which will be reported next year. One of the students who decided to commence a Voluntary Leave requested that their Voluntary Leave be extended. Student Case Managers are working with two of the six students currently on leave with the goal of facilitating their return to studies. One of the 6 students placed on a University-Mandated Leave remains on the leave.

### Request to Review Decision

Two students of the 6 students placed on a University-Mandated Leave requested a review by the Provost of the Vice-Provost's decision to place them on a Mandated Leave of Absence as per section V.a. After careful and objective consideration, the Provost maintained the decision for these two cases, recommending that the students remain on leave. One student requested an appeal to the University Tribunal, however, the student withdrew the appeal before the matter was heard.

### Return to Studies

For the students who returned to studies in the 2018-2019 academic year, conditions for return included: regular contact with their Student Case Manager, engaging with accessibility plans put in place by Accessibility Services, reduced course loads, and no-contact orders with those who had been the focus of threats.

## Functioning of the *Policy*

### Terms and Conditions

Some of the terms and conditions put in place for the eight students included: a full tuition refund for the courses they were enrolled in, deferring exams for a few weeks, late withdrawals without academic penalty, providing access to Health and Wellness services during their leave, arrangements to complete course work off-campus, and regular contact with their Student Case Manager.

Some specific details from this year provide examples that illustrate how the Policy functions:

#### Maintaining Registration

In one case, a student was placed on a Mandated Leave of Absence (under Urgent Situations) near the end of the spring term. The student was close to graduation but unable to complete a required course for graduation that was only offered in the winter term. In order to avoid the student waiting a year to re-take the course, the Faculty arranged for the student to complete the course remotely by working one-on-one with a faculty member when they were well enough.

#### Exam Extension

In one case, a student required hospital care and was going to miss their exams. The University made arrangements for them to write the exams several weeks later so that they were able to maintain their academic progress.

### Tuition Refunds

In cases where there was insufficient course work to permit the assignment of a grade in order to provide academic credit, students were provided with a late withdrawal from courses, without academic penalty, and tuition was refunded.

### Student Case Manager and the Student Support Team

Each student was provided with a Student Case Manager as per Section 31 of the *Policy* who acted as the student's point of contact and helped them navigate resources, understand the *Policy* and the process, and provide support. The Student Case Manager was chosen based on factors such as their familiarity with the student, the student's comfort level with the individual, and the position the individual holds at the University. For example, those working in Student Progress & Support were often assigned the role of Student Case Manager in these eight cases.

Further, in each case, a Student Support Team was formed as per Section 30 of the *Policy*. The team was typically made up of the Student Case Manager, the registrar, a regulated health professional, and other parties who were relevant to the case, such as an equity officer. A Medical Professional who was not involved in the student's care was consulted in each case.

The *Policy* has provided the flexibility to put into place a plan that is reflective of the individual needs of the student.

### Concerns Raised About the *Policy*

Concerns were raised that students have been hesitant to access mental health services because they may be put on a leave under the *Policy*.

There must exist serious concerning behaviour, as delineated in the *Policy*, to invoke the *Policy*. The *Policy* requires that any request for the Vice-Provost, Students to consider a leave must come from the Division Head – usually the Dean or Principal of the student's Campus, Faculty or College. Additionally, staff in the various health and counselling services are covered by their professional organization's standards as well as the Province of Ontario's *Personal Health Information Protection Act, 2004*. This Act provides that Health Information Custodians must maintain the confidentiality of all personal health care information and may not disclose such information without consent unless under very specific circumstances.

The *Policy* requires that where a disability as defined under the *Ontario Human Rights Code* exists, the University provide accommodations and supports to help students obtain their academic goals. The duty to accommodate up to the point of undue hardship has been applied to the specific fact scenarios presented by the individuals.

The *Policy* is to be considered in very rare situations where there is serious concerning behaviour. The *Policy* is intended to be supportive of a student whose behaviour may otherwise be subject to the disciplinary *Code of Student Conduct* or other behavioural codes. The University wants students to obtain the help they need and succeed.