

**FOR INFORMATION**

**PUBLIC**

**OPEN SESSION**

**TO:** University Affairs Board

**SPONSOR:** Micah Stickel, Acting Vice-Provost, Students

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**PRESENTER:** same as above

**CONTACT INFO:**

**DATE:** October 27, 2020 for November 24, 2020

**AGENDA ITEM:** 4

**ITEM IDENTIFICATION:**

Report on the *University-Mandated Leave of Absence Policy: 2019-20*

**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 24, 2020)**

**PREVIOUS ACTION TAKEN:**

The *Policy* was approved on June 27, 2018. The first annual report was brought to the University Affairs Board for Information on November 13, 2019.

**HIGHLIGHTS:**

In the 2019-2020 academic year, the Policy was used one time. The student who was placed on a University-Mandated Leave during the 2019-20 academic year returned to studies in September 2020.

During the 2019-20 academic year there were no requests for review by the Provost or the Vice-Provost's decision to place a student on Mandated Leave and no request for appeal to the University Tribunal.

As of July 1, 2020, there were five active Leave cases: 2 Voluntary and 3 University-Mandated.

**FINANCIAL AND/OR PLANNING IMPLICATIONS:**

There are no financial implications.

**RECOMMENDATION:**

For Information.

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**DOCUMENTATION PROVIDED:**

Annual Report: Summary of *University-Mandated Leave of Absence Policy* 2019-20.

# Summary of Cases Under the *University-Mandated Leave of Absence Policy*: 2019-2020

The information presented within this report relates to cases under the *University-Mandated Leave of Absence Policy* for the 2019-2020 academic year. The *University-Mandated Leave of Absence Policy* was established on June 27, 2018 by approval of the Governing Council. 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 2019 - 2020 academic year, the Vice-Provost, Students received seven requests from division heads to invoke the *Policy*; *the Policy* was used one time. The case that went forward under the *Policy*, involved significant concern for the student's mental health and well-being and safety risks to others, resulting in an immediate response from the University.

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.

	2018-19	2019-20	Total
University-Mandated Leaves of Absence	6	1	7
Voluntary Leaves of Absence	2	0	2
<b>TOTALS:</b>	<b>8</b>	<b>1</b>	<b>9</b>
Urgent Situations	6	0	6
Returned to Studies	2	2	4

As reported last year, during the 2018-19 academic year, two of the eight students returned to studies, with accommodations, within six weeks of being placed on a leave. Two additional students who were on leave in 2018-19 returned to their studies in the 2019-20 academic year. We are pleased to note that one of the students who returned to studies in 2019-20 has now graduated from their program, demonstrating that the *Policy* is working as intended to give a person time away to focus on their health and then resume their studies once they are in a position to engage and be successful.

In terms of the two active Voluntary Leaves under the Policy, one leave has been extended at the request of the student. The University continues to support this student and the Student Case Manager remains in contact. The other student on voluntary leave is discussing the possibility of a return to studies with their Student Case Manager.

As of July 1, 2020, there were five active Leave cases: 2 Voluntary and 3 University-Mandated.

### **Request to Review Decision**

During the 2019-20 academic year there were no requests for review by the Provost or the Vice-Provost's decision to place a student on Mandated Leave and no requests for appeal to the University Tribunal.

### **Return to Studies**

For the students who returned to studies in the 2019-20 academic year, conditions for return included: regular contact with their Student Case Manager, engaging with accessibility plans put in place by Accessibility Services, engaging in recommended treatment plans, reduced course loads, and no-contact orders with those who had been the focus of the safety concern.

## **Functioning of the *Policy***

### **Terms and Conditions**

Some of the terms and conditions put in place since 2018 include: 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, arrangements for remote psychological/psychiatric risk assessments to be conducted, regular contact with their Student Case Manager, and ongoing review of status and progress by the Vice-Provost Students and Student Support Team.

Due to the small number of cases in 2019-20, specific details will not be provided to maintain confidentiality.

### **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 typically assigned the role of Student Case Manager in these nine cases.

Further, in each case, a Student Support Team (SST) was formed as per Section 30 of the *Policy*. The SST 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***

Since the beginning of the *Policy* – from consultation on drafts, deliberation through the governance path, its establishment in July 2018, and feedback received by the Presidential and Provostial Task Force on Student Mental Health in 2019 – concerns have been raised by some opponents and proponents alike. The foremost concern is that students have been hesitant to access mental health services because they believe they may be put on a leave under the *Policy*. These concerns have been seen by University administration as an issue of communication and lack of understanding about the compassionate principles and intent of the *Policy*. The name of the *Policy* has also been raised as a point of contention as it is not seen by some members of the University community to be representative of the supportive and compassionate purpose. There have also been concerns voiced that the *Policy* discriminates against those with mental health challenges and that it may stigmatize mental illness.

As outlined in the 2019 report, 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 our health professionals, as 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 scenarios presented by the individuals in each case where the Leave was considered and or imposed.

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 have the ability to step away from their program in order to obtain the help they need to be able to return and thrive in their studies.