



**FOR INFORMATION**

**PUBLIC**

**OPEN SESSION**

**TO:** University Affairs Board

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

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**CONTACT INFO:**

**DATE:** November 16, 2021 for November 23, 2021

**AGENDA ITEM:** 6

**ITEM IDENTIFICATION:**

Report on the *University-Mandated Leave of Absence Policy: 2020-21*

**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 23, 2021)**

**PREVIOUS ACTION TAKEN:**

The *Policy* was approved on June 27, 2018. The first annual report was brought to the University Affairs Board (UAB) for Information on November 13, 2019 and second annual report was brought to UAB for Information on November 24, 2020.

**HIGHLIGHTS:**

In the 2020-21 academic year, the *Policy* was used four times. Two of these cases involved Urgent Situations under the *Policy*. Two of the students placed on Leave during the 2020-21 academic year have Returned to Studies. The student who was placed on Leave during the 2019-20 academic year has also Returned to Studies.

During the 2020-21 academic year there were no requests for review by the Provost of 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, 2021, there were seven active Leave cases: 2 Voluntary and 5 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* 2020-21.

# Summary of Cases Under the *University-Mandated Leave of Absence Policy: 2020-2021*

The information presented within this report relates to cases under the *University-Mandated Leave of Absence Policy* for the 2020 - 2021 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

The statistics presented in this report capture activity under the *Policy* from July 1 – June 30 in the preceding academic year.

In the 2020 - 2021 academic year, the Vice-Provost, Students received four requests from division heads to invoke the *Policy*. After careful review of the circumstances of each case the *Policy* was used in all four instances and two of these cases involved Urgent Situations (section 46).

In the 2019-2020 report we noted that seven requests were made and only one case proceeded under the *Policy*. We believe that this reduction in the number of requests to invoke the *Policy* that did not proceed suggests an enhanced understanding of the of *Policy* by senior administration at the University and reflects the University’s efforts to communicate the purpose and intent of the *Policy* through education on the *Policy*.

During the 2020-21 academic year, the four cases 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 a direct response from the University.

	2018-19	2019-20	2020-21	Total
University-Mandated Leaves of Absence	6	1	4	11
Voluntary Leaves of Absence	2	0	0	2
<b>TOTALS:</b>	<b>8</b>	<b>1</b>	<b>4</b>	<b>13</b>
Urgent Situations	6	0	2	8
Returned to Studies	2	2	3*	7

\* As of July 1, 2021, two cases had returned to studies during the reporting period, however the table includes a third case in the count to account for a student who returned to studies in September 2021. The student's leave process was initiated in Winter 2021.

As of the start of the Fall 2021 term, seven of the thirteen cases that have proceeded under the *Policy* between 2018-19 and 2020-21 have resulted in the student returning to studies. As reported previously, 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. Last year the report noted that one of the students who returned to studies in 2019-20 has now graduated from their program, this year another student who returned to studies in 2019-20 graduated in June 2021. The ability of these students to resume their studies and persist in their academic pursuits suggests that the *Policy* is working as intended by providing students with time away to focus on their health so they may resume their studies once they are well enough to do so. The University views this as an extremely positive sign regarding the implementation of this *Policy*, where we see students who were previously languishing in their mental health and academics have now been able to flourish.

In terms of the two Voluntary Leaves under the *Policy*, both remain active. The University continues to support these students and the Student Case Manager remains assigned and in contact with the individuals.

As of July 1, 2021, there were seven active Leave cases: 2 Voluntary and 5 University-Mandated.

Note: During the first two years of operation of the *Policy*, the University Ombudsperson reviewed the factual specifics of each of these cases and has not identified any concerns with the application of the *Policy*.

### Request to Review Decision

During the 2020 - 2021 academic year there were no requests for review by the Provost of 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 2020 - 2021 academic year, conditions for return included: remote return to studies for online courses, 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 under the *Policy* include: a full tuition refund for the courses the student was enrolled in, deferring exams, late withdrawals without academic penalty, providing access to Health and Wellness services during the leave, continuation of student extended health Insurance coverage, arrangements to complete course work off-campus, housing assistance, bursaries and support with OSAP related processes, arrangements for remote and or virtual psychological/psychiatric risk assessments to be conducted, regular contact with the Student Case Manager, and ongoing review of status and progress by the Vice-Provost Students and Student Support Team.

## Student Case Manager and the Student Support Team

Each student was provided with a Student Case Manager (SCM) 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 SCM 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 assigned the role of SCM in the thirteen cases to date 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 local registrar, a regulated health professional, a representative from campus safety offices, 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*

When the University-Mandated Leave of Absence *Policy* was approved by Governing Council in July 2018, a clause was included which requires that a review of the *Policy* be conducted three years after its implementation and that the Provost report to the Governing Council about that review. The Provost initiated this review in the Winter of 2021 and asked Professor Donald Ainslie, Department of Philosophy in the Faculty of Arts and Science to lead it along with Varsha Patel, Assistant Dean of Student Success and Career Support, University of Toronto Scarborough. The review teams began their work in March 2021 and invited all members of the University of Toronto community to share feedback via an online form and through virtual Feedback Town Halls in the Winter 2021 and Fall 2021 terms. The expectation is that the review will provide a summary of concerns and recommendations by both proponents and opponents of this *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 also been raised during the consultation process for the current review 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. The on-going review of the *Policy* will explore these concerns in greater depth and consider recommendations for addressing them.

As outlined in the previous reports, there must exist serious concern 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.