



**FOR APPROVAL**

**PUBLIC**

**OPEN SESSION**

**TO:** Governing Council

**SPONSOR:** Professor Cheryl Regehr, Vice-President and Provost  
**CONTACT INFO:** 416-978-2122, [cheryl.regehr@utoronto.ca](mailto:cheryl.regehr@utoronto.ca)

**PRESENTER:** As above  
**CONTACT INFO:**

**DATE:** June 20, 2018 for June 27, 2018

**AGENDA ITEM:** 3(b)

**ITEM IDENTIFICATION:**

*University-Mandated Leave of Absence Policy*

**JURISDICTIONAL INFORMATION:**

The Executive Committee is responsible for overseeing the operation of the Governing Council and its Boards and Committees.

The Executive Committee is responsible for the preparation of the agenda for meetings of the Governing Council.

**GOVERNANCE PATH:**

**For Information and Discussion**

1. University Affairs Board [for information] (October 2, 2017)
2. UTSC Campus Council [for information] (October 3, 2017)
3. UTM Campus Council [for information] (October 4, 2017)
4. Academic Board [for information] (October 5, 2017)

**For Information and Discussion**

1. University Affairs Board [for information] (November 20, 2017)
2. UTM Campus Council [for information] (November 21, 2017)
3. UTSC Campus Council [for information] (November 22, 2017)
4. Academic Board [for information] (November 23, 2017)

**For Approval**

1. Academic Board [for recommendation] (January 25, 2018)
2. University Affairs Board [for recommendation] (January 30, 2018)  
\*Item withdrawn from the agenda

**For Approval**

1. University Affairs Board [for recommendation] (May 24, 2018)
2. Academic Board [for recommendation] (May 31, 2018)
3. Executive Committee [for endorsement and forwarding] (June 14, 2018)
4. **Governing Council [for approval] (June 27, 2018)**

**PREVIOUS ACTION TAKEN:**

The University has been considering a *University-Mandated Leave of Absence Policy* for a few years. The need for such a *Policy* was noted by the Ombudsperson in her 2014-15 report and was also mentioned in the University's response to the 2015-16 report. The University considered her strong recommendations about developing a *Policy* like this one.

The *University-Mandated Leave of Absence Policy* was approved by Academic Board on January 25, 2018. It was then withdrawn from the University Affairs Board agenda.<sup>1</sup>

**HIGHLIGHTS:**

Summary

The proposed *University-Mandated Leave of Absence Policy* is intended to provide a process whereby a student may be placed on a mandatory leave of absence when it becomes apparent that a student's behaviour, due to serious health or mental health issues, poses a risk of serious harm to themselves or others, or significantly impairs the educational experience of other students, or the student is unable to engage in the essential activities required to pursue an education – all in circumstances where accommodations and/or supportive resources have not been successful or are not feasible. This *Policy* does not preclude the operation of other laws, policies and procedures.

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.

Before a leave is contemplated under the proposed *Policy*, a review of the accommodations and supports provided to the student will be undertaken. Should there be other accommodations or

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<sup>1</sup> [http://www.governingcouncil.lamp4.utoronto.ca/wp-content/uploads/2018/02/r0130-2017-2018uab-a0206-9c-2017-2018-09c\\_EX-ALREADY-POSTED.pdf](http://www.governingcouncil.lamp4.utoronto.ca/wp-content/uploads/2018/02/r0130-2017-2018uab-a0206-9c-2017-2018-09c_EX-ALREADY-POSTED.pdf)

supports that may be helpful, those will first be considered. 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. When a University-Mandated Leave of Absence is necessary, the proposed *Policy* will provide a clear pathway for the leave and return to studies, and a fair process including a review and appeal that is similar to the review and appeal process under the *Code of Student Conduct*.

This is not a *Policy* a student can choose to invoke. The application of the *Policy* is at the discretion of the University in appropriate and very limited circumstances.

The proposed *Policy* is intended for a very small number of students who meet the high threshold as described in the proposed *Policy*, and where the presence of mental health or other similar concerns provides a context for University action that is not disciplinary in nature. While the advance determination of exact cases in which the *Policy* might be deployed is not possible, past experience suggests that it will be used rarely. Currently, students exhibiting behavioural concerns indicating a safety risk where serious mental health or similar issues are present may be subject to the *Code of Student Conduct* – a disciplinary *Code* – or to unilateral action pursuant to the University’s obligations under the *Occupational Health and Safety Act*, or both.

The proposed *Policy* includes, among others, the following Guiding Principles:

- All Students in good standing at the University of Toronto should have the opportunity to pursue their academic aspirations.
- 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.
- 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.
- 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.
- 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.
- 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.

- 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.

### Consultation

While the creation of this *Policy* has been signalled for a few years, broad discussions began in early 2017 with University staff and faculty to understand key elements of such a *Policy* – including the University’s requirements under various legislation, supports and accommodations that could be provided, documentation required, as well as the current practice in similar cases. Discussions with Student Societies also occurred on the broad concepts of such a *Policy*. Additionally, presentations were made at UAB and the *Policy* was discussed at the UTSC and UTM Campus Affairs Committees.

In the fall of 2017, a draft *Policy* for consultation was finalized. The draft *Policy* was presented for information and feedback in cycles 1 and 2 of governance to UAB, Academic Board, UTM Campus Council and UTSC Campus Council. The draft *Policy* was discussed with registrars, student services staff across all three campuses (including staff from the health, counselling and wellness centres), student Governors, students with an interest in the *Policy*, Principals and Deans, various committees and divisional councils, and student organizations (including representative student committees, divisional student societies and student groups with a focus on mental health). Input from external parties was also carefully considered.

### Key Themes from Consultations

Throughout the consultations, a number of thoughtful comments and suggestions were provided. Some have resulted in changes to the *Policy*, while others would be best answered or clarified in a short companion guide to the *Policy*. The Office of the Vice-Provost, Students has agreed to undertake the creation of the companion guide.

A number of key themes were raised during the consultations including:

- the Student Case Manager and the individuals on the Student Support Team (SST);
- timelines regarding the appeal process;
- ability to access University resources during a leave;
- notation on Transcript;
- impact on international students and students receiving OSAP; and
- clarity regarding the return to studies process.

Concerns were raised that the draft *Policy* provides broad powers to remove a student with mental health issues from the University. In actuality, the *Policy* provides a narrow and prescriptive set of circumstances under which a University-Mandated Leave may be invoked, and the high threshold for triggering the *Policy* means that it is expected to apply only in a small number of cases annually. Additionally, a number of people would be involved in the process

including the Division Head, the Vice-Provost, Students, and staff and faculty who may be supporting the student.

Ideally, it is preferable to pursue other options than a University-Mandated Leave where reasonably feasible. However, there will, very occasionally, be acute situations during which a student needs to take a break from their studies to concentrate on their health and to protect their academic record, as well as to protect the safety of others, or their own safety, and/or to avoid materially and negatively affecting the educational experience of others.

In consultations, a number of questions arose concerning the operation of the *Policy*. If the *Policy* is invoked, the Vice-Provost, Students would first take a number of steps before a leave would be mandated, including reviewing the accommodations and supports provided to date. A Student Case Manager would be appointed who then becomes the student's main point of contact, helping the student access the support they need and liaising with their Faculty or division. At any time during the application of this *Policy*, the Student Case Manager will explore accommodations and other resources that could assist the student to continue with their studies. At any time during the application of this *Policy*, and following the process outlined in the *Policy*, the student could elect a voluntary leave and is also able to provide additional information.

A number of changes were made to the draft *Policy* as a result of the consultations. Some of the key changes are as follows:

- Clarification regarding the scope of the *Policy*
- Further articulating that the *Policy* provides an opportunity to consider alternative approaches to assist the student
- Additions to the guiding principles to make more explicit:
  - The Student's autonomy regarding their health and wellness
  - Express acknowledgement of the duty to accommodate under the *Human Rights Code*
  - The design of the *Policy* to be used in exceptional circumstances and to provide the Student with procedural safeguards
- Adding equity officers to the Student Support Team
- Moving the Confidentiality and Privacy section to the beginning of the *Policy* and adding in a specific reference to the *Personal Health Information Protection Act*
- Adding a section clarifying the student's ability to provide relevant information at any time
- Adding consultations with a Student Immigration Advisor where appropriate
- Specifying that no notation regarding the leave will be reflected on the student's academic transcript

For those students who experience these extraordinary circumstances, the University wishes to provide the appropriate supports and a return to studies plan based on the individual. Therefore, the proposed *Policy* provides, and needs to provide, flexibility to put into place a plan that is consistent with the individual needs of the student.

Changes made following the January 30<sup>th</sup> meeting of the University Affairs Board

Changes were made to the *Policy* to amplify the language in key areas including: defining “Accommodation(s)”; the provision to first review and deploy additional resources to assist the student, ideally with the result that a University-Mandated Leave of Absence is not required; the role of the Student Case Manager; and the requirement that the Vice-Provost, Students shall consult with the Student Support Team throughout the process. The revised *Policy*, along with a process flowchart was posted on the Student Consultation website from which additional comments were received.

Key Themes from On-line Consultations

A number of the concerns articulated in previous discussions with students were restated in the on-line feedback. The comments indicated that a number of students feel strongly that such a policy is not necessary and rather greater resources should be put into campus support services. Comments were also received regarding a perceived lack of consultation and the limited time to provide comments in the latest round.

Other feedback received through the online consultation indicated support for such a *Policy*, including the need to provide due process for the student, and the ability for a student to take a break from their studies to focus on their health.

A key theme from many consulted has been the need for a medical professional to be included in the process (although others expressed reservation about this concept). While the current version does provide for involvement of medical professionals in the process, the *Policy* was changed to specify that a regulated health professional will be consulted as part of the consideration of a University-Mandated Leave.

**RECOMMENDATION:**

Be It Resolved

THAT the proposed *University-Mandated Leave of Absence Policy* be approved, effective immediately.

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**DOCUMENTATION PROVIDED:**

- *University-Mandated Leave of Absence Policy* –Highlighted Copy
- *University-Mandated Leave of Absence Policy* –Final Copy

# 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.

# 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.