

POLICY ON STUDENT INVOLUNTARY LEAVE OF ABSENCE

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Academic

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PREAMBLE

The University recognizes that the mental and physical well-being of our students is essential for learning to occur. The University wishes to respond effectively and responsibly to students who are in a crisis situation. The University recognizes that some students, either for their own well-being or that of other members of the University, may need care and support which, in some cases, is best provided if they are not actively engaged in their studies.

SCOPE

This Policy applies to all students of the University.

PURPOSE

The present proactive Policy has been adopted in order to set out the assistance provided to such students in need. Actions taken under this Policy are supportive in nature and shall not be considered disciplinary actions. Any action that affects individuals must respect their rights, including rights to inviolability, integrity, and rights regarding the protection of personal information. However, the University shall seek to balance the rights of the Student-of-concern (as defined below) and the rights of other members of the University when assessing the conduct and making decisions with respect to the Student-of-concern.

This Policy shall be interpreted and applied in conjunction with the [Academic Code of Conduct](#), the [Code of Rights and Responsibilities \(BD-3\)](#), the [Undergraduate](#) or [Graduate](#) Calendars or any of the official [University policies](#). Where appropriate and pursuant to this Policy, some administrative decisions taken under this Policy may supersede other rules, policies or procedures.

DEFINITIONS

For the purposes of this Policy, the following definitions shall apply:

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“Involuntary Leave of Absence” means an involuntary physical leave from campus for a period of time specified by the Dean of Students or delegate. Such physical leave will include, but is not limited, to continuing education courses, any online courses, attending academic and/or student-run activities. An Involuntary Leave of Absence is not pursued as a punitive step, but may coincide with sanctions for student misconduct as per the *Code of Rights and Responsibilities (BD-3)* and/or the *Academic Code of Conduct*. A voluntary leave of absence as the result of the application of this Policy is based on the mutual decision of the Policy Coordinator (as defined below) and the Student-of-concern and is subject to the Return to Campus Management Plan. All references, in the present Policy, to voluntary leaves of absence, are references to such leaves only as administered in the present Policy.

“Officer” means a delegate named from the Office of the Provost and Vice-President, Academic.

“Policy Coordinator” means the Advisor on Rights and Responsibilities.

“Student-of-concern” means any student whose apparent physical and/or mental state and/or related conduct is such that they may be or have become a threat to themselves, others, the educational process, or the University community in general. This may or may not involve allegations of non-academic misconduct by the student.

POLICY

1. This Policy shall be invoked only in extraordinary circumstances such as, but not limited to, situations where a Student-of-concern is unable and/or unwilling to request a medical notation or, in the case of a graduate Student-of-concern, request a leave of absence. Such inability could for example occur due to a Student-of-concern’s institutionalization for health and/or legal purposes.
2. Before an Involuntary Leave of Absence is considered, efforts will be made to encourage the Student-of-concern to voluntarily leave the University.
3. A Student-of-concern may be required to take an Involuntary Leave of Absence in situations where the student’s behaviour and/or apparent mental and/or physical health interferes with their academic pursuits or that of others or interferes with the regular activities of the University. The University has the right and responsibility to address the conduct of a Student-of-concern in order to protect that student and/or other members of

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the University from any threat posed by their conduct, whether or not misconduct has occurred as per the *Code of Rights and Responsibilities* ([BD-3](#)).

4. Reports about a Student-of-concern may be made and considered regarding an alleged incident which may have occurred off-campus if the potential consequences of the incident have an impact on the University.

Disabilities

5. Addressing the conduct of a Student-of-concern can pose unique challenges to the University when that student has a mental or physical disability that is contributing to the behaviour that is of concern. The University acknowledges that it has a desire and a duty to accommodate a student with a disability, in accordance with applicable laws, regulations and the *University Policy on Accessibility for Students with Disabilities* ([PRVPA-14](#)).
6. As per the *Policy on Accessibility for Students with Disabilities* ([PRVPA-14](#)), the Student-of-concern has a corresponding responsibility to make full disclosure of any relevant disability and to cooperate with the University.

Student-of-Concern – Threat Assessment

7. There are three levels of threat a Student-of-concern may pose to themselves or others:
 - a) A Level 1 threat means that there is no clear, immediate threat and no known occurrence of non-academic misconduct, but the conduct of the Student-of-concern is or appears to be having a negative impact on the student and/or on the University and/or creates a reasonable fear or concern that a threat may exist in the future and non-academic misconduct may occur.
 - b) A Level 2 threat means that there is no clear, immediate threat at present but non-academic misconduct may have occurred and the Student-of-concern's physical and/or mental state and/or related conduct appears to be progressively deteriorating. The conduct of the Student-of-concern creates a reasonable fear/concern that a threat is likely to exist and/or further non-academic misconduct is likely to occur in the near future.

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- c) A Level 3 threat means that there is a clear, immediate threat at present, which triggers the University's duty to warn and to take action to protect the Student-of-concern and/or others.

Student-of-concern Case Team

8. A Student-of-concern Case Team ("the Case Team") will provide a coordinated response and support to the Student-of-concern. Procedures for dealing with a Student-of-concern may differ depending upon the level of threat posed by the student, and are set out in the Process and Procedures for Responding to Students-of-Concern ([section 13 and following](#)).
9. In addition, the Case Team shall meet as required to continue to develop and deliver a coordinated response to the issue of Students-of-concern at the University.
10. The Case Team will be composed of the:
 - a) Policy Coordinator;
 - b) Director, Campus Wellness and Support Services, or delegates;
 - c) Office of the Provost delegate; and
 - d) School of Graduate Studies delegate (for cases involving graduate students).

The Case Team may, when a situation involving a Student-of-concern could potentially involve the Security Department or when the Case Team could benefit from the input of the Security Department, ask the Director, Security to join the Case Team. Other professionals or specialists may be consulted and/or asked to join the Case Team on an ad hoc basis should the situation warrant it.

11. Certain circumstances may make it necessary to modify the composition of the Case Team by naming persons from inside or outside the University community.
12. If the [Protocol on the Coordination of Urgent Cases of Threatening or Violent Conduct](#), as per *Code of Rights and Responsibilities (BD-3)*, (the "[Protocol](#)") has been activated in connection with a Student-of-concern, the members of the Case Management Team as set out under the [Protocol](#) shall act as members of the Case Team under this Policy, with any modification deemed appropriate by the Policy Coordinator.

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Process and Procedures for Responding to Students-of-Concern

13. Observance of behaviour that suggests a student is of concern should be reported in writing to the Policy Coordinator and address the following points:
 - Name of Student-of-concern
 - Description of event/incident
 - Date(s) of event/incident
 - Place of event/incident
 - Other people involved
 - Possible witnesses
 - Pattern of behaviour (progressive, accelerated)
 - Who else can provide information about the Student-of-concern or incident
 - Name of report writer.
14. Normally, within 1 working day of receiving a report about a Student-of-concern, the Policy Coordinator will assess the risk level in consultation with the report writer and others involved in the case as appropriate. Response to the situation is based on the level of threat, as outlined below in [sections 16 to 26](#).
15. If the Policy Coordinator and/or Case Team receives a report and decides not to take action, the report writer shall be informed in writing by the Policy Coordinator.

Level 1 Threat

16. If the Student-of-concern's behaviour is assessed as a Level 1 threat, the Policy Coordinator, after consultation with the report writer, will determine whether consultation with the Case Team is required.
17. Where consultation is not required, the Policy Coordinator shall update the Case Team at its next meeting, if required.
18. If consultation with the Case Team is required, it will normally meet as soon as possible to review the case and make recommendations regarding how to proceed. Any intervention will be decided by the Case Team. Possible outcomes for Level 1 threat behaviour include, but are not limited to:

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- an offer of appropriate support and/or referral. Where and if appropriate, the Student-of-concern can be referred to Wellness and Support Services for assistance in connecting with the appropriate external medical professional;
 - restricted access conditions.
19. The Student-of-concern will be given the opportunity to review and respond to the written report. The Student-of-concern will be given the option to voluntarily leave the University within a time-line acceptable to the Policy Coordinator.
20. If the Student-of-concern opts to voluntarily leave the University, a letter of confirmation will be sent by the Policy Coordinator containing the following:
- the Return to Campus Procedure ([sections 44 to 48](#));
 - a copy of this Policy.

Level 2 Threat

21. If the Student-of-concern's behaviour is assessed as a Level 2 threat, the Case Team will normally meet within 3 working days to review the case and make recommendations regarding how to proceed. Possible outcomes for Level 2 threat behaviour include, but are not limited to:
- those outlined under Level 1 and/or;
 - recommendation for referral of the case through the academic and non-academic discipline process in accordance with the [Academic Code of Conduct](#) and the *Code of Rights and Responsibilities* ([BD-3](#)); and/or
 - immediate Involuntary Leave of Absence.
22. The Student-of-concern will be given the opportunity to review and respond to the written report. As an alternative to an Involuntary Leave of Absence, the Student-of-concern may be given the option to voluntarily leave the University within a time-line acceptable to the Policy Coordinator.
23. If the Student-of-concern opts to voluntarily leave the University, [section 20](#) shall apply.

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Level 3 Threat

24. If the Student-of-concern's behaviour is assessed as a Level 3 threat, the Policy Coordinator will be required to address any immediate threat to the student or to the University. Assessment of a Level 3 threat triggers the University's duty to warn and to take action to protect the Student-of-concern and/or others.
25. In accordance with University policies and the applicable laws and regulations, the University may share information regarding the Student-of-concern in order to address the immediate threat and the student's behaviour. The Policy Coordinator will then immediately schedule a meeting of the Case Team. In these circumstances, the Case Team shall normally meet within 24 hours to review the case, consult the relevant health specialists if necessary and make recommendations regarding how to proceed. Possible outcomes for Level 3 threat behaviour include, but are not limited to, those outlined under Levels 1 and 2, and/or immediate involuntary leave from the University.
26. In such cases, designated staff members are immediately empowered to take appropriate steps such as, but not limited to, activating the [Protocol](#) and/or contacting the Security Department (extension 3717) who may, after evaluating the urgency of the situation, contact the police.

Considerations

27. If the Case Team recommends an Involuntary Leave of Absence, this recommendation must be presented to the Dean of Students. In the absence of the Dean of Students, the recommendation must be presented to the Registrar, or delegate, who in turn would inform the Student-of-concern.
28. When appropriate, the Case Team and/or the Policy Coordinator may seek the *Temporary Exclusion of a Student* pursuant to the application of section 148 of the *Code of Rights and Responsibilities* ([BD-3](#)).
29. An Involuntary Leave of Absence does not preclude a Student-of-concern from fulfilling their financial obligations. However, all possible and appropriate arrangements will be made to not unduly penalize the Student-of-concern. Each case will be evaluated on its own merit.

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30. Where there is a case under review under the *Code of Rights & Responsibilities* ([BD-3](#)) or the *Academic Code of Conduct*, the Case Team can recommend suspending proceedings during the term of the Involuntary Leave of Absence. The proceedings shall resume should the Student-of-concern return to their studies in accordance with the Return to Campus Procedure in [sections 44 to 48](#).
31. If a Student-of-concern is placed on an Involuntary Leave of Absence, and is also charged under the *Academic Code of Conduct* or the *Code of Rights and Responsibilities* ([BD-3](#)) as a result of the behaviour giving rise to the Involuntary Leave of Absence, proceedings under either Code shall be suspended during the term of the Involuntary Leave of Absence. The proceedings shall resume should the Student-of-concern return to their studies in accordance with the Return to Campus Procedure in [sections 44 to 48](#).
32. An Involuntary Leave of Absence imposed by the University cannot be used by a Student-of-concern as a defence, or as a mitigating circumstance, in proceedings under either Code. However, a Student-of-concern has the right to bring forward any medical and/or psychological condition existing at the time of the incident(s) giving rise to the complaint, in their defence.
33. The complainant in proceedings under either Code cannot make use of, or refer to, the fact that an Involuntary Leave of Absence had been imposed by the University in making their case against the Student-of-concern.
34. The *Code of Rights and Responsibilities* ([BD-3](#)) process shall be decided based on the conditions existing at the time of the incident(s), as well as the conduct and/or behaviour giving rise to the complaint and the potential risk caused by such conduct and/or behaviour, and shall not be based on actions taken subsequent to said incident(s).
35. The University will not tolerate retaliation by anyone against any individual reporting a threat or acting in good faith. Any such action would be deemed an offence under the *Code of Rights and Responsibilities* ([BD-3](#)).

Decision Notification and Hearing

36. If the Dean of Students or delegate approves the recommendation to place a Student-of-concern on an Involuntary Leave of Absence, the student shall be notified of that decision

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in a timely fashion, together with the terms and conditions associated with the Involuntary Leave of Absence. Notification may be delayed in certain circumstances such as a Student-of-concern's institutionalization for health and/or legal purposes. A copy of the signed and dated letter will be included in the Student-of-concern's file. The decision letter will contain:

- a summary of the situation and of the medical findings if applicable;
- a copy of this Policy with specific mention of the right to a hearing within 20 working days;
- the process to appeal;
- information on the Return to Campus Procedures in [sections 44 to 48](#).

37. The Student-of-concern must leave campus within the time period set forth by the Dean of Students or delegate. For the duration of the leave, the Student-of-concern may visit campus only if authorized in writing by the Policy Coordinator or delegate and may only communicate with the designated University personnel and only for purposes related to the application of this Policy.
38. Within 20 working days of notification and receipt of the decision letter, as well as the report and medical findings (if obtained), the Student-of-concern may request a meeting with the Case Team and/or be given the opportunity to provide any relevant report, information or opinion concerning their case, health and/or behaviour.
39. The Student-of-concern may be assisted at this meeting by a family member, a health professional of their choice, or a member of the University community.
40. The Case Team may, considering the information, documentation or opinions provided by the Student-of-concern, modify its recommendation. The Student-of-concern shall be informed of any modifications to the final decision in a timely manner by the Dean of Students or delegate.

Notations, and Academic and Financial Regulations

41. Should an Involuntary Leave of Absence or a voluntary leave of absence be necessary, the notation "Temporary Absence from Studies" will appear only on the student record (an internal University document). Once the conditions have been met and the student has

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returned to the University, the notation will change to “Currently in Program”. In cases involving graduate students, the notation “Leave without Access” will appear on the student record for each term during which the Leave of Absence is implemented. This notation will remain on the student record once the conditions have been met and the student has returned to the University. The Case Team will also decide which of the following notations - DISC, MED, DEF, INC, DNE - would be more appropriate on the transcript depending upon the circumstances. Each case will be decided on its own merit. The Policy Coordinator will coordinate the implementation of the notations and any related financial considerations with the Office of the Registrar and Financial Services.

42. Where an Involuntary Leave of Absence or a voluntary leave of absence is invoked, the Student-of-concern will be blocked from registering for all courses (including online courses) for the duration of the Leave.
43. In accordance with this Policy, credits from other institutions taken during an Involuntary Leave of Absence or a voluntary leave of absence shall not be credited by the University.

Return to Campus Procedure

44. The Student-of-concern’s request to return to the University along with supporting documentation must be received by the Policy Coordinator by the following dates:
 - a) June 15 – for Fall Semester;
 - b) October 10 – for Winter Semester;
 - c) February 15 – for Summer Semester.
45. These deadlines are designed to provide the University with sufficient time to evaluate the documentation and the Student-of-concern’s request to return as well as to ensure that the student no longer presents any potential threat to themselves or others.
46. Consideration of the request will be conditional on the following: evidence that all terms and conditions associated with the Involuntary Leave of Absence or the voluntary leave of absence have been met; evidence that all current outstanding disciplinary sanctions have been completed or have been dealt with under this Policy; and a [Leave of Absence Return Assessment Form](#) has been completed by the appropriate treating professional(s).

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47. The Policy Coordinator will evaluate the application and its accompanying documentation and may consult with the Case Team to develop a Return to Campus Management Plan ([sections 49 to 51](#)). A recommendation regarding whether the Student-of-concern should be permitted to return to campus and any Return to Campus Management Plan shall be forwarded to the appropriate units.
48. During the review process, the Policy Coordinator may require the Student-of-concern to provide additional and/or more recent documentation from treating medical professional(s).

Return to Campus Management Plan

49. Where a Student-of-concern has received approval to return to campus following an Involuntary Leave of Absence or a voluntary leave of absence, the Policy Coordinator and the Case Team shall prepare a Return to Campus Management Plan that outlines any terms and conditions of the student's return to campus and any support services required. The Policy Coordinator, or a designate from the Case Team, will implement the Return to Campus Management Plan and monitor the Student-of-concern's transition back to campus.
50. The Policy Coordinator, or designate, who monitors the Return to Campus Management Plan shall regularly report the Student-of-concern's progress back to the Case Team. A breach in the Return to Campus Management Plan may result in the imposition of further conditions or the re-institution of the Involuntary Leave of Absence.
51. The Return to Campus Management Plan may also include a plan to address any outstanding academic or non-academic disciplinary matters and/or sanctions.

Appeals - General

52. The Student-of-concern may appeal the decision(s) made under the Process and Procedures for Responding to Students-of-Concern ([section 13 and following](#)) on the following grounds:
 - new evidence;

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- where there is a serious defect in procedure causing a serious prejudice to the Student-of-concern;
- where the decision of the Case Team was patently unreasonable.

53. If there are insufficient grounds for appeal, the Student-of-concern shall be notified in writing within 10 working days of having filed the request for an appeal.

Appeal of Decisions Other Than an Involuntary Leave of Absence

54. An appeal of an application of restricted access conditions shall be made to the Officer in a timely fashion who shall make a final decision.

55. The appeal must be signed by the Student-of-concern and include the grounds for the appeal.

Appeal of Decisions of an Involuntary Leave of Absence

56. An Involuntary Leave of Absence applied by the Dean of Students or delegate may be appealed to the Officer.

57. The Student-of-concern who has availed themselves of a hearing as provided for in [section 38](#) must submit their appeal in writing to the Officer within 30 working days of having received the Case Team's decision maintaining the recommendation of Involuntary Leave of Absence from the Dean of Students or designate.

58. The Student-of-concern who did not avail themselves of a hearing as provided for in [section 38](#) must submit their appeal in writing to the Officer within 30 working days of receipt and/or notification of the decision from the Dean of Students or designate to impose an Involuntary Leave of Absence.

59. The appeal must be signed by the Student-of-concern and include the grounds of the appeal as set out in [section 52](#).

60. Within 10 working days of having received a request to appeal, the Officer shall inform the Student-of-concern, the Dean of Students and the Policy Coordinator as to whether the request to appeal is granted or not. If there are insufficient grounds for appeal, the

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Student-of-concern shall be duly notified in writing. If the request to appeal is granted, the Secretary of Student Tribunals will be informed by the Officer as soon as possible, and an Appeals Hearing Panel will be called to hear the appeal within 10 working days or as soon as reasonably possible. The decision shall be communicated to the parties within 3 working days.

61. The composition of the panel shall be that as described in section 112 of the *Code of Rights and Responsibilities* ([BD-3](#)). The Appeals Panel shall base its decision on the written grounds for appeal submitted by the Student-of-concern, as well as any oral and/or written representations made by the student and the Dean of Students, the Policy Coordinator or any other appropriate representative.
62. The Appeals Panel has the authority to confirm, reverse or modify the decision of the University.
63. The decision of the Appeals Panel shall be signed, dated and reasoned, and shall be sent to the Student-of-concern, the Dean of Students and the Policy Coordinator. The decision of the Appeals Panel shall be final.
64. The Appeals Panel has final and exclusive jurisdiction to modify or annul a decision rendered under the present Policy.
65. The University reserves the right to require that the Involuntary Leave of Absence commence before the Student-of-concern has exhausted the appeal procedures. The decision of the University must be contained in the letter of notification ([section 36](#)).
66. In the event that the Appeals Panel determines that the original Involuntary Leave of Absence was unfounded, that decision shall not invalidate the Case Team's or Dean's prior action. However, every effort shall be made to remedy any academic disadvantage that the Student-of-concern may have experienced as a consequence of the Involuntary Leave of Absence.

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Confidentiality

67. All deliberations, decisions and information received under this Policy shall be treated in accordance with the applicable laws, regulations and University policies including the *Policy Concerning the Protection of Personal Information* ([SG-9](#)).

Case and Policy Review

68. The Policy Coordinator shall, upon conclusion of the case and/or after a final decision or action taken in application of the Policy or at the appropriate time, as determined by the Policy Coordinator, prepare a brief report summarizing the case and submit it to the Officer and the Case Team members. The report should include any observations emanating from the de-briefing session and any recommendations for review or changes to Policy or practice which the Case Team wishes to make.
69. The Case Team will meet annually to review the Policy as well as any existing cases. As part of the review process, the Case Team will take the opportunity to assess if existing cases involving current Students-of-concern continue to fall under this Policy, and/or still require follow-up.
70. The overall responsibility for implementing and recommending amendments to the present Policy shall rest with the Provost and Vice-President, Academic.