

**SEATTLE UNIVERSITY
POLICY ON INVOLUNTARY LEAVE OF ABSENCE
FOR MEDICAL REASONS
JANUARY 2015**

POLICY STATEMENT

The University strives to ensure that all students can fully participate as members of the University community. When a student's behavior associated with a medical condition interferes with University operations, however, the University may require that the student take a leave of absence to ensure the health and safety of the student or others, or to ensure the proper operation of the University. This policy sets forth the circumstances under which the University will require a medical leave of absence. The policy creates two types of leave: Involuntary Medical Leave and Interim Emergency Leave. Interim Emergency Leave is temporary, but may be extended into Involuntary Medical Leave. This policy is independent and separate from the Code of Student Conduct, and nothing in this policy precludes the University from taking appropriate disciplinary action under the Code for violations of University expectations.

PROTOCOL

Involuntary Medical Leave

1. Consideration for Involuntary Medical Leave

The University may start the process for possible Involuntary Medical Leave if the Dean of Students or a designee determines that a student's behavior:

- suggests that the student might create a risk to the safety of the student or others; or
- suggests a risk that the educational and other activities of the University may be substantially disrupted.

2. Process to Determine Whether Involuntary Medical Leave is Required

- a. If a University faculty or staff member believes that a student's behavior might create a risk to the health and safety of the student or others, or the behavior substantially disrupts the educational and other activities of the University, the faculty or staff member must, through his or her regular supervisory channels or directly, report the behavior to the Dean of Students or designee.
- b. When an involuntary leave is under consideration, the Dean of Students or a designee will confer as feasible and when appropriate with any of the following individuals or their designees regarding the need for a leave of absence: the appropriate University Health Administrator, the Director of the Department of Campus Public Safety, the Provost, the dean of the student's college or school, or such other individuals as may be appropriate

in a particular matter. The Dean of Students or his or her designee may require a mental or physical assessment from an appropriately trained health professional if he or she believes it will facilitate a more informed decision. The University will consider the student's choice of an appropriately trained health professional but retains the right to require an independent assessment.

As soon as practicable and so long as the University does not believe doing so will increase any health or safety risk to the student or others, the University will notify the student that the University is considering requiring an assessment from an appropriately trained health professional. If the student is required to undergo an assessment, the Dean of Students or designee will notify the student that he or she must undergo an assessment and might be placed on Involuntary Medical Leave.

The student may provide the Dean of Students or designee with any information that the student believes is relevant to the possibility of required Involuntary Medical Leave. The student must agree to authorize the health professional performing the assessment to release the assessment to the Dean of Students or designee. The University will comply with laws and University policies concerning the confidentiality of this health information.

- c. The health professional performing the individualized assessment of the student must evaluate the following factors using reasonable medical judgment, based on the most current medical knowledge and the best available objective evidence:
 - (1) the nature, duration, and severity of any risk posed by the student to the health and safety of the student or others;
 - (2) the probability that potential injury will actually occur;
 - (3) the nature, duration, and severity of potentially reoccurring behaviors that substantially disrupt the educational and other activities of the University;
 - (4) the probability that substantially disruptive behaviors will occur; and
 - (5) whether any reasonable modifications of policies, practices, or procedures or other reasonable accommodation, such as required counseling or other treatment, will sufficiently mitigate any risk or disruptive behavior.

The health professional performing the assessment, the Dean of Students or designee, and the University health Administrator may consult with one another concerning potential reasonable modifications or accommodations.

- d. The health professional performing the individualized medical assessment will provide a written report to the Dean of Students or designee addressing

the factors in Section 2(c), and addressing any other information that the health professional believes is relevant to whether the student creates a risk to the health and safety of the student or others, or a risk of substantially disruptive behavior.

- e. Within seven calendar days after receipt of the written report if an assessment is required, or notice to the student of the possibility of involuntary leave if no assessment is required, the Dean of Students or designee will make a decision concerning whether the student must take Involuntary Medical Leave, or if other mitigations of risk are required. The Dean of Students may consult with the appropriate University Health Administrator, the Director of the Department of Campus Public Safety, the Provost, the dean of the student's college or school, or such other individuals as may be appropriate in a particular matter before making the decision. The Dean of Students must consider the assessment report, if one was required, must consider any relevant information provided by the student, and must evaluate the factors outlined in Section 2(c) in making the decision.
- f. The Dean of Students or designee will notify the student in writing of the decision and, if Involuntary Medical Leave is required, any conditions for readmission. Conditions will be reasonable and based on an individualized assessment of the actual risk posed by the student. The University may also require other neutral, nondiscriminatory readmission requirements that are the same as they would be for any other student on a leave of absence. If the University requires Involuntary Medical Leave, the Dean of Students or designee will notify the Registrar, the Associate Dean in the student's school or college, and Student Financial Services.

3. Effect of Involuntary Medical Leave and Conditions of Reenrollment

To reenroll, the student must apply in writing to the Dean of Students at least four weeks in advance of the quarter in which he or she wishes to return. The student must demonstrate compliance with any conditions for reenrollment that were specified in the student's letter under section 2(f) or otherwise required of nondisabled students, and provide the Dean of Students with evidence that the student has met the outlined conditions.

In addition, the reenrollment request must include (a) a description of the student's attempts to resolve the issues that led to the Involuntary Medical Leave; (b) evidence of the student's readiness to return, such as letters from individuals from whom the student received care or from employers; and (c) permission for Counseling and Psychological Services ("CAPS") or the Student Health Center to consult with health care providers from whom the student received treatment, and the providers' contact information.

If the student has been placed on Involuntary Medical Leave more than once, the request for reenrollment and supporting information should also specifically address

the student's past history, including any evidence that the student has taken steps to reduce the risk of reoccurrence of the behavior that led to the leave of absence and evidence, including medical evidence, that the student is presently able to meet the University's requirements.

After the reenrollment request has been provided to the University, the student must meet with the Dean of Students before reenrollment so the Dean of Students may assess the student's compliance with any reenrollment conditions and evaluate any issues arising out of the student's submission.

The Dean of Students or designee will assess a student's request for reenrollment in consultation with a University Health Administrator. The Dean of Students or designee will notify the student in writing of the decision regarding reenrollment. If reenrollment is permitted, the Dean of Students or designee will advise the Registrar, the student's academic Dean, and Student Financial Services.

4. Appeal From a Decision to Require Involuntary Medical Leave

A student may appeal the University's decision to require Involuntary Medical Leave or to deny reenrollment if the student believes the factual information on which the University relied was not accurate or does not support the decision. An appeal must be in writing, addressed to the Vice President for Student Development, and be submitted within ten calendar days of the decision. The Vice President may take any steps that he or she deems appropriate to decide the appeal and will issue a decision to the student in writing within ten calendar days of receiving the appeal. The University may implement or enforce its decision even where an appeal is pending.

Interim Emergency Leave

1. Consideration for Interim Emergency Leave

If a University faculty or staff member reports a student's behavior to the Dean of Students or designee, and the Dean of Students or designee determines that the student's behavior poses an immediate risk of substantial disruption to the educational and other activities of the University or an immediate risk to the health and safety of others or to the student, the Dean of Students or designee may require an immediate Interim Emergency Leave pending completion of the Involuntary Medical Leave process.

The Dean of Students or designee will make an effort to meet with the student before requiring Interim Emergency Leave pending evaluation for Involuntary Medical Leave. The Dean of Students or designee will provide the student written notice of Interim Emergency Leave, although such notice may, when necessary, be provided after verbal notice of required Interim Emergency Leave.

The Dean of Students or designee may restrict the student's access to any or all of the University's program, services, and facilities, pending a final decision concerning Involuntary Medical Leave, including academic programs, student

housing, and other nonacademic activities. Any such restrictions will be in the written notice.

2. Appeal of Interim Emergency Leave

If the process to determine whether to require Involuntary Medical Leave is not completed within three business days following imposition of Interim Emergency Leave, a student may appeal the University's decision to require Interim Emergency Leave by writing to the Vice President for Student Development. The Vice President may take any steps that he or she deems appropriate to decide the appeal and will issue a decision to the student in writing within three business days following the Vice President's receipt of the appeal.

CONFIDENTIALITY

The University will comply with laws and University policies concerning the confidentiality of information related to this policy.

Approved January 2015