

# PROCEDURE

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| Procedure Number: AOP 234     | Procedure Title: Accommodation of Students at Risk: Leaves of Absence from Academics and/or Residence |
| Supersedes Existing Policy? N | Procedure Owner: Senior Vice-President Academic   |
| Associated Policy: Y          | Date Last Approved by CET: September 2017   |

## 1 Purpose

Loyalist College acknowledges that it is obliged to accommodate, assist and support students facing challenges in Residence and/or Academics. All reasonable measures will be explored to assist students in successfully meeting those challenges. Where those efforts have not been successful, Loyalist wishes to respond effectively and responsibly to students who have demonstrated that they are unable to act in a manner that upholds the integrity of their own well-being or the well-being of others in academic settings or elsewhere on campus.

## 2 Application

This policy applies to all Loyalist College students including those enrolled in distance and continuing education studies. This policy shall also apply to all behaviour of Loyalist College students whether those behaviours occur on or off campus or in the online environment.

## 3 Involuntary Leave of Absence from Campus

- 3.1 The Risk Assessment Review Committee receives and reviews all reports of behaviour that suggest a student is of concern.
- 3.2 An involuntary leave of absence is one possible tool the Risk Assessment Review Committee may choose to recommend as an immediate risk-reducing intervention aimed at mitigating the risk of harm to person, property or the College environment.
- 3.3 The recommendation for an involuntary leave of absence will be reviewed by and decided by the Director of Student Success and the Dean of the student in question.
- 3.4 Before an involuntary leave of absence is considered, efforts will be made to encourage a student of concern to seek out counselling, supports, interventions, or a voluntary leave from the College. This policy shall only be invoked in circumstances where the College's attempts to accommodate or provide an on-campus risk-reducing intervention has been unsuccessful.
- 3.5 A student of concern may be required to take an involuntary leave of absence from campus or residence in situations where the student's behaviour and/or apparent mental, physical or emotional health interferes with their own or others' academic pursuits, safety and security and/or the general well-being of the College community. The College has the right and responsibility to address the conduct of a student in relation to any threat to self or others posed by their conduct, whether or not misconduct has occurred as per the College's Student Code of Conduct (AOP 209).
- 3.6 In instances where the student has demonstrated that they are unable to maintain their own safety or that of others in a residence living environment, an involuntary leave of absence from residence alone may be invoked. In such an instance, the leave of absence from residence would not necessarily be associated with a leave of absence from campus, unless a leave from both premises was justified.

3.7 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 has a direct impact on the College community.

#### **4 Involuntary Leave of Absence from Residence**

- 4.1 Where a student, as demonstrated by their behaviour, poses a risk or threat of harm to themselves, others or the residence environment, the student will be mandated to participate in a risk-reducing intervention as determined by the Risk Assessment Review Committee. The student's physical, mental and emotional health will be taken into consideration and reasonable efforts will be made to accommodate the student as per the Ontario Human Rights Code.
- 4.2 If the student demonstrates an inability or unwillingness to participate in the risk-reducing intervention and accommodations, the student may be placed on an involuntary leave of absence from residence until such time as their ability to live safely in residence has been restored and established.
- 4.3 In such instances, the student's parents and/or other community supports may be consulted in developing a plan for a safe and secure environment for the student to reside in while continuing to attend Loyalist College. Where necessary, the local crisis intervention services will be involved to enhance continuity of care and minimize the risk of a housing related crisis.

#### **5 Return to Campus Process**

- 5.1 Along with the documentation confirming the student has been placed on an involuntary leave of absence from either their academic program/course or residence, they will receive a notice of any mandatory risk-reducing intervention that they must comply with in order to be eligible to return to campus and/or residence.
- 5.2 A timeline for the leave will be noted and a Decision Review will be conducted at the expiration of that deadline. A student can request a Decision Review earlier than the deadline if they have met and can demonstrate remediation in the level of risk that triggered the involuntary leave of absence. This request must be made in writing to the Director of Student Success.
- 5.3 Upon completion of any risk-reducing intervention(s), the student will provide documentation from any associated health professional(s) involved that certify the completion of the intervention(s) and comment on the level or risk associated with their return to campus.
- 5.4 Where a student has complied with the risk-reducing intervention(s) and has received an approval to return to campus or residence following an involuntary leave of absence, the Risk Assessment Review Committee, along with relevant members of the Academic and Student Success teams will prepare a return to campus support plan. This plan will outline any terms and conditions of the student's return to campus or residence and any support services the student will be required to engage in to enhance the risk-reducing intervention(s) and support their ongoing success.
- 5.5 The student will be assigned a counsellor or mental health worker who will assist the student in their compliance with the support plan. The case manager will also regularly report back to the Risk Assessment Review Committee regarding the student's ongoing compliance and participation with the support plan.
- 5.6 A breach of the conditions set forth in the return to campus support plan may result in the imposition of further conditions or re-institution of the involuntary leave of absence.
- 5.7 Where the student requires conditions to address outstanding academic or disciplinary matters, these conditions will be noted on the return to campus support plan. Support in complying with the academic conditions will be provided by the student's Success Mentor in collaboration with their counsellor.

## **6 Procedural Fairness**

6.1 Any time there is an impact on a student's status at the College, based on concerns that are brought forward as a result of this process, procedural fairness will include:

- The right to be made aware of and be given an opportunity to respond to, correct or contradict information available, in person and/or in writing.
- The right to have a decision reviewed based on the conditions explained in the Decision Review for involuntary leave of absence procedures.
- The right to request an advisor or support person be present at any meeting, if desired.

During this process, the College will make every reasonable effort to involve and support the student in order to enable them to continue their studies.

### **6.2 Decision Review and Appeal**

- 6.2.1 In instances where safety necessitates the need to have the student placed on an immediate involuntary leave of absence, the appeal process will not stay the leave. The appeal must be continued while the student remains off campus and/or away from residence.
- 6.2.2 A student has a right to request a decision review and to appeal the involuntary leave of absence and/or the conditions associated with the return to campus process.
- 6.2.3 The application for a decision review must be made in writing to the Director of Student Success. It must clearly articulate the reason for the review. The Director will respond in writing within three working days with a plan to meet with the student. Following the Decision Review, if the student is not satisfied with the outcome, they may appeal the decision of the Director of Student Success, made in consultation with the student's Dean, to the Vice-President, Academic.
- 6.2.4 The appeal must be made in writing to the Vice-President, Academic within 10 days of a Decision Review and must articulate the grounds on which the student is contesting the original decision and whether they are contesting the involuntary leave or the conditions associated with the return to campus or both. The Vice-President, Academic will respond in writing to the student within three business days and convene a time to review the circumstances of the case in order to render a final decision.

### **6.3 Decision Review – Request to Return to Campus**

- 6.3.1 Where possible and timely to do so, the Vice-President, Academic will consult with the Risk Assessment Review Committee and the Director of Student Success regarding review of the appeal and related details:
- 6.3.1.1 The Vice-President, Academic may:
- 6.3.1.1.1 Deny the appeal and uphold the conditions set forth by the Director of Student Success on the advice of the Risk Assessment Review Committee and made in consultation with the student's Dean.
- 6.3.1.1.2 Grant the appeal with consideration of possible alternative measures, including ones suggested by the student.
- 6.3.1.2 The Vice-President, Academic will render a decision in writing. The student will be fully accountable to abide by the decision and conditions set forth by the Vice-President, Academic.
- 6.3.1.3 The Vice-President, Academic's decision on the appeal process will be final and binding.

## **7 Academic Withdrawal**

- 7.1 Where a student is placed on involuntary leave of absence as the result of behaviour related to a physical, mental or emotional health issue and that leave of absence interferes with their ability to attend classes and be academically successful, the College will endeavor to work with the appropriate Academic and Registrar designates to seek a course withdrawal instead of a course failure. If a course withdrawal is offered, it will only result in a 'withdrawal' on their transcript and will not qualify that student for a refund of tuition, ancillary or other fees.
- 7.2 Confirmation of the student's experience of a physical, mental or emotional health issue and its impact on their behaviour may be requested by the College in cases where the College has been unable to adequately assess and/or determine the presence of an existing mental health issue. This confirmation may be requested from a physician, psychiatrist or other mental health professional

## **8 Residence Withdrawal**

### **8.1 Apartment-style residences:**

- 8.1.1 Where a student is placed on an involuntary leave of absence and that leave is likely to preclude them from returning to residence for the remainder of the year, the College will refund the remainder of their unused residence fees already paid in advance, less a \$500 withdrawal fee.
- 8.1.2 When the involuntary leave of absence is related to an identified physical, mental or emotional health issue, the College will refund the remainder of their unused residence fees already paid in advance and will waive the \$500 withdrawal fee. Documentation of the student's mental health issue as related to their ability to safely reside in residence may be requested by the College prior to waiving the withdrawal fee.
- 8.1.3 Where the student, as part of the return to campus support plan, is expected to return to residence within the same academic year, the College will endeavor to hold a room open for their return. Periodic status updates as to their intent and ability to return to residence may be requested.

### **8.2 Campus Living Centres (CLC) Residences:**

- 8.2.1 The College does not administer the leasing or financial policies for the CLC residences. Such policies are the sole responsibility and discretion of Campus Living Centres Inc. In instances where a student residing in the CLC Residence has been placed on an involuntary leave of absence from residence, whether or not it is because of a confirmed mental health issue, the College is unable to issue a refund of fees or a cancellation of that student's lease.
- 8.2.2 The College will provide the student and/or their advocate, with the contact information for Campus Living Centres Inc. Requests regarding provision of a refund or the cancellation of a lease must be requested directly from and negotiated with Campus Living Centres Inc. Loyalist college does not endorse, influence or dictate the decisions of Campus Living Centres Inc. regarding such matters.

## **9 Accommodation of Students with Disabilities**

- 9.1 Addressing the conduct of a student of concern can pose unique challenges to the College where a student has a disability that is contributing to the concerning behaviour. The College acknowledges that it has a duty to accommodate a student with a disability, in accordance with provincial law and College policy. Accommodation of students with disabilities should be made in accordance with the following principles: respect for dignity, individualized accommodation, and inclusion and full participation. The College has a duty to accommodate up to the point of undue hardship.
- 9.2 The Commission further states that "health and safety risks will amount to undue hardship if the degree of risk that remains after the accommodation has been made outweighs the benefits of enhancing equality for persons with disabilities" (p. 28). The student seeking accommodation has a

corresponding responsibility to make full disclosure of their disability and to cooperate with the College in making appropriate accommodation for them, including advising College officials of the need for accommodation, cooperating with College officials in the accommodation process, and providing medical or other requested information relating to the disability and the required accommodation.

## **5. Related Documents or Links**

- AOP 209: Student Code of Conduct: Positive Learning and Living Environment

## **6. References**

- [Ontario Human Rights Commission Policy and Guidelines on Disability and the Duty to Accommodate](#)
- Adapted from Humber College (2012). Student Support and Intervention: Non-Academic Voluntary/Involuntary Withdrawal. In Policy Manual. Retrieved April 3, 2013 from [https://humber.ca/sites/www.humber.ca/files/studentssupport\\_interventionnon-academicvoluntaryinvoluntarywithdrawalpolicy.pdf](https://humber.ca/sites/www.humber.ca/files/studentssupport_interventionnon-academicvoluntaryinvoluntarywithdrawalpolicy.pdf)[http://www.humber.ca/sites/www.humber.ca/files/studentssupport\\_interventionnon-academicvoluntaryinvoluntarywithdrawalpolicy.pdf](http://www.humber.ca/sites/www.humber.ca/files/studentssupport_interventionnon-academicvoluntaryinvoluntarywithdrawalpolicy.pdf)