

OREGON STATE UNIVERSITY INVOLUNTARY LEAVE POLICY

Approved by the Provost September 2011

Policy maintained by the Office of the Dean of Student Life, A200 Kerr Administration Building

This document will be made available in an accessible format upon request. Please contact the Office of the Dean of Student Life at 541-737-8748 or deanofstudents@oregonstate.edu.

Oregon State University cares deeply about the health, well-being, and overall success of all members of the OSU community. There are circumstances in which OSU may need to remove a student to preserve the health and safety of himself/herself or the community, as described in the policy below.

Standards Governing OSU Involuntary Leave:

When a student's behavior presents a direct threat to the health or safety of the student or others, OSU may place a student on involuntary leave.

In evaluating whether involuntary leave is recommended pursuant to the process below, OSU will make an individualized and objective assessment of the student's ability to safely participate in OSU's programs, based on reasonable medical judgment or the best available objective evidence. The assessment will determine the nature, duration and severity of the risk, the probability that the potentially threatening harm will actually occur and if a qualifying disability exists, whether reasonable modifications of policies, practices or procedures or provision of auxiliary aids and services will sufficiently mitigate the risk. Involuntary leave is warranted if it is determined that the student poses a direct threat, which means that he or she poses a significant risk or high probability of substantial harm to the health or safety of the student or others.

This involuntary leave process is not a substitute for disciplinary action when there is a violation of the Student Code of Conduct, and the disciplinary process is separate from that outlined here. Unless they are sanctioned separately through the disciplinary process, students on involuntary leave will not be considered as having a student conduct record nor will they be considered to be in violation of OSU policy for the circumstances or behaviors which led to the involuntary leave.

Initial Hearing:

The Dean of Student Life or his/her designee will provide written notification to the student of the need to evaluate whether the student should be placed on involuntary leave pursuant to this policy. The notification will advise the student of this policy, as well as the general nature of OSU's basis for investigating whether involuntary leave is warranted. The notification will provide the student with notice of the time and place for a hearing before the Dean of Student Life and the Student Welfare Team. The period of time between the hearing date and the student's receipt of the notice must be at least 72 hours.

The hearing will be conducted by the Dean of Student Life or his/her designee and the Student Welfare Team, which may consist of representatives from:

- Office of the Dean of Student Life
- Student's academic program
- Counseling and Psychological Services
- Student Health Services
- Other OSU Departments relevant to the case, including but not limited to Disability Access Services, University Housing and Dining and the Department of Public Safety.

The Dean of Student Life or designee will appoint the members of the Student Welfare Team, and the hearing notice will include the position titles of the members of this team.

All hearings pursuant to this policy are closed and information and documents presented will be made available only to the Dean or designee, the Student Welfare Team and other OSU employees as necessary to protect the student or others from harm. The hearing is informal and does not follow administrative contested case or courtroom procedures. If the student has been properly notified and fails to appear, the hearing may proceed and the Dean of Student Life or designee may issue his or her decision.

During the hearing, the student may be accompanied by a support person of his or her choice, but the support person does not represent the student and the student will be expected to speak for himself/herself. The student has the opportunity during the hearing to offer information and testimony on his or her behalf and has the opportunity to review and respond to all information, statements, or evidence presented. The Dean of Student Life or designee will decide any questions or objections to hearing procedures that are raised during the hearing.

At the conclusion of the hearing, the Student Welfare Team will go into executive session with the Dean of Student Life or designee, who will determine whether involuntary leave is warranted pursuant to the standards outlined above. The student will be notified in writing of the Dean or designee's decision within two (2) business days of the hearing. The initial duration of the involuntary leave will vary depending on the circumstances and will be determined by the Dean of Student Life or designee at the time of the initial decision to place a student on involuntary leave. Upon the expiration of the involuntary leave period, the student will be eligible to petition to re-enroll pursuant to the Re-enrollment Process outlined below.

Interim/Emergency Hearing:

The Dean of Student Life or his/her designee may take emergency action to place a student on involuntary leave without a full hearing when necessary to secure the health or safety of the student or others.

At the time that the emergency action takes place, the Dean of Student Life or designee shall (1) inform the student of the reason for the emergency action, (2) give the student the opportunity to explain why emergency action need not be taken, and (3) inform the student that a full hearing will take place within three (3) business days of the Emergency Action if the student is available, or if the student is unavailable for medical reasons, within three (3) business days after the student becomes available.

Appeal Process:

Appeals of the decision of the Dean of Student Life shall be made to the Vice Provost for Student Affairs, whose decision is final.

Appeals must be in writing and filed with the Vice Provost for Student Affairs within seven (7) calendar days following the date the action is taken. The request for an appeal must include specific justification, including errors, failure to consider all of the evidence presented, or any other action, including any new evidence not known at the time of the original hearing, which denied the student a fair hearing.

Re-enrollment Process:

Upon expiration of the involuntary leave term, a student may petition to return to classes pursuant to the procedures set forth herein.

- a. **Written Return Plan:** At least 30 days before a student wishes to re-enroll, the student must submit to

the Dean of Student Life or designee a written plan that includes pertinent information and strategies for resuming student status. This plan must not exceed seven (7) pages and must include the following:

- How has the student dealt with the circumstances and any underlying factors that resulted in the involuntary leave?
 - How has the student spent the time since leaving school?
 - Why this is the appropriate time to return to school?
 - Any strategies that are in place to reduce the previous threat that precipitated the involuntary leave, including a description of support systems in place.
- b. **Relevant Medical Information:** If relevant to the nature of the leave, the student must obtain written assessments from the appropriate medical or mental health professionals, whose opinions will assist the University in determining whether the student can safely transition back to school and, if a qualifying disability exists, whether any reasonable accommodations are needed to reduce the previous threat. A professional evaluating medical concerns must be a licensed physician, and a professional evaluating mental health concerns must be a licensed mental health professional or psychiatrist. Any person who provides such an assessment must be unrelated to the student, and must have a specialty and credentials appropriate to be able to address the condition or concern. The student will need to permit the professionals to share information about relevant incidents or concerns, and if applicable, recent hospital records. To do so, the student will need to sign a consent form for each professional to release information to the University, including Student Health Services, Counseling And Psychological Services, and the Dean of Student Life. The University will need relevant information regarding critical incidents, hospitalizations, treatment and recommendations, as further described in the attached *Report Form for Returning from Medical Leave of Absence*. It is the student's responsibility to ensure that the completed report forms are provided to OSU. The student is responsible for any cost incurred for the evaluations.
- c. **Consideration of Petition to Re-enroll; Meeting with Student:** The Student Welfare Team will review the student's written plan and provider reports to determine if the previous direct threat has been alleviated and, if there is a qualifying disability, whether reasonable accommodations are needed. The Team will then schedule a meeting with the student to discuss this information. A student may bring a support person to the meeting, but the student will be responsible for speaking to the Team on their own behalf. The meeting will include a discussion of the student's needs and plans for returning to campus, and will include a discussion of whether and how the outside evaluators' recommendations, if any, can be implemented.
- d. **Decision on Petition to Re-enroll:** After this meeting, the Student Welfare Team will make a recommendation to the Dean of Student Life or designee, who will decide if the student's request to re-enroll at that time will be granted or denied. Where the Dean of Student Life or designee grants a petition to re-enroll, he or she will designate the date upon which re-enrollment may take place, which may be the start of the next term if the petition was filed after the current term had begun. As always, enrollment in particular courses is dependent on many variables such as availability and demand, and OSU is not able to guarantee enrollment in particular courses.

In a decision to deny the student's petition to re-enroll, the Dean of Student Life or designee may require a student to wait a specific amount of time before seeking to file another petition to re-enroll. The Dean of Student Life or designee may also require a student to work with a single point of contact

within the University in situations where that would most effectively conserve University resources and ensure effective student communication.

- e. **Appeal of Decision on Petition to Re-enroll:** A student may appeal the decision to the Vice Provost for Student Affairs, pursuant to the appeal provisions above.

- f. **Conditions on Re-enrollment:** If a student's request to re-enroll is granted, the University may place conditions on their reenrollment. A student may, for example, be required to meet with a subset of the Student Welfare Team at regular and predetermined intervals to review the ongoing potential for a direct threat as the student transitions back to campus. Where the student has a qualifying disability, the Student Welfare Team will continue to work with the student, in consultation with Disability Access Services, to make reasonable accommodations.