



POLICIES AND PROCEDURES

Involuntary Student Leave of Absence

ISUPP 5050

POLICY INFORMATION

Policy Section: *Student Affairs*

Policy Title: *Involuntary Student Leave of Absence*

Responsible Executive (RE): *Dean of Students*

Sponsoring Organization (SO): *Student Affairs*

Dates: Effective Date: *TBD*

Revised: *New Policy*

I. INTRODUCTION

The purpose of this policy is to establish procedures for the Involuntary Leave of Absence of Students for safety reasons. The University is committed to supporting the safety and well-being of all Students. In some circumstances, a Student's behavior may significantly impair their ability to engage in academic or campus life in a safe and productive manner. This policy outlines the process for determining when an Involuntary Leave of Absence may be necessary to protect the safety and well-being of the Student and the broader campus community. The procedures outlined herein are designed to be used only in situations where the Student's ability to manage their individual safety significantly impairs their ability to participate in University activities, meet academic requirements, or where the Student's ability to manage their individual safety poses a risk to themselves or others.

II. DEFINITIONS

- A. **Direct Threat.** A significant risk of harm to the Student or others, as determined through a Risk Assessment. This may include behaviors that endanger the safety of the Student or others including violent behavior that is directed at self or others, or a severe behavioral impairment in social and / or academic functioning.
- B. **Individualized Evaluation.** An evaluation performed by the Dean of Students, in consultation with the CARE team, and other relevant University officials, of a Student's

Safety Crisis based on reasonable judgment that relies on the best objective evidence, to include opinions of experts if available. .

- C. **Involuntary Leave of Absence.** A formal process by which a Student is required to leave the University for a period of time due to concerns of behaviors that pose a significant impairment in functioning; a significant threat to the Student's safety and well-being or the safety and well-being of others; or an inability to meet academic or behavioral expectations. This action is taken only after appropriate evaluations and efforts to provide support have been exhausted, as appropriate in the individual circumstances.
- D. **Risk Assessment.** A preliminary statement of risk conducted by the CARE Team.
- E. **Safety Crisis.** A situation where a Student's behavior significantly impairs their functioning or ability to safely engage in academic or social activities, or when their behavior poses a direct threat to themselves or others.
- F. **Student.** All persons taking courses at the University, either full-time or part-time, pursuing undergraduate, graduate, or professional studies, whether degree or non-degree seeking, and continuing education classes or special programs. Persons who withdraw after allegedly violating this policy, who are not officially enrolled for a particular term but have a continuing relationship with the University, or who have submitted an application for admission are considered Students under this policy.
- G. **Timely.** A reasonable time frame under the individualized circumstances of the Student's Safety Crisis, taking into consideration the academic calendar and the safety of the Student and the University community.
- H. **Voluntary Leave of Absence.** A process by which a Student chooses to initiate a Leave of Absence.

III. POLICY STATEMENT

An Involuntary Leave of Absence is rare and happens when the best available objective evidence indicates that there is a significant risk to the safety of the Student or others, or the Student's behavior severely disrupts the University environment and no reasonable accommodations can adequately reduce that risk or disruption. The University is committed to supporting the safety and well-being of all Students. In situations where a Student's behavior impairs their ability to participate in academic or campus life or the Student presents a danger to themselves or others, the University may initiate the Involuntary Leave of Absence process. This policy provides a framework for addressing these situations in a fair, compassionate, and supportive manner while prioritizing the safety and well-being of all Students and members of the University community.

An Involuntary Leave of Absence is an administrative process; it is not a disciplinary process. These procedures are not punitive and do not take the place of disciplinary actions that are in

response to violations of other policies or directives, nor do they preclude the removal or dismissal of Students from the University or University-related programs as a result of violations of other University policies.

IV. AUTHORITY AND RESPONSIBILITY

- A. CARE Team. Provide behavioral assessment, recommend intervention strategies, coordinate care and recommend appropriate follow-up for Students, staff, and faculty with serious needs and concerns. The CARE team is responsible for convening regularly and holding additional meetings when situations demanding a timely decision and / or University response arise.
- B. Dean of Students. The Dean of Students, or designee, in consultation with other relevant University officials, including the CARE Team, has the authority to place a Student on an Involuntary Leave of Absence. Throughout this policy, any reference to the Dean of Students also includes the Dean of Students' designee.
- C. Disability Services. Disability Services, working in consultation with the Dean of Students, the CARE Team, and other relevant University officials, will offer the Student any reasonable accommodations that may assist the Student in successfully engaging in University activities.
- D. Registrar. In the event the Student is placed on an Involuntary Leave of Absence, notate the Student's transcripts accordingly.
- E. Student. Fully participate with University Officials throughout the entire collaborative process to address safety concerns.
- F. Vice President of Student Affairs. The Vice President of Student Affairs will act as Appellate Authority.

V. LEAVE OF ABSENCE CONDITIONS AND CONSIDERATIONS

- A. An Involuntary Leave of Absence may be considered when one or more of the following conditions are met, at the discretion and in the reasonable judgment of the Dean of Students, or designee, in consultation with relevant offices.
 - 1. Significant Impairment in Functioning: A Student's condition behavior, or Safety Crisis significantly interferes with their ability to care for themselves or engage in academic or campus life, despite reasonable accommodations;
 - 2. Danger to Self or Others: The Student's behavior presents a substantial risk of harm to themselves or others; and/or,

3. Inability to Meet Academic or Behavioral Expectations. The Student's Safety Crisis causes an inability to meet the academic or behavioral expectations outlined in the ISUPP 5000, *Student Code of Conduct*, or other relevant policies.
- B. Wherever possible, prior to initiating an Involuntary Leave of Absence, the University must work to exhaust applicable supports with the Student to address the concern. Attempting to engage in a collaborative process, the Dean of Students will consider potential alternatives that could obviate the need for an Involuntary Leave of Absence. Additional options include, but are not limited to:
1. Voluntary leave of absence;
 2. Withdrawal for medical reasons;
 3. Impositions of conditions and/or requirements under which the Student is allowed to remain at the University;
 4. Reasonable Accommodations, if requested.
 5. Because situations with Students experiencing a Safety Crisis are complex and highly individualized, upon referral, the Dean of Students, or designee, will evaluate the situation on a case-by-case basis and offer interventions and support based on the individual circumstances of the situation.
 6. The University will maintain confidentiality throughout the Involuntary Leave of Absence process, consistent with relevant laws (e.g., FERPA, HIPAA, etc.). Any health records the Student shares with the University will be used only for the purposes of evaluation, decision-making, and support.
 7. In situations involving an imminent or ongoing threat of harm to the Student or any other member of the University community, the Dean of Students, or designee, in the exercise of reasonable judgment, may implement interim measures which may include, but are not limited to:
 - a. Prohibition from entering the University's campus or facilities utilized for University programs or activities while an Individualized Evaluation and review are completed;
 - b. No contact orders;
 - c. Other remedies deemed appropriate to protect the safety / wellbeing of the Student and / or the University community.

VI. INVOLUNTARY LEAVE OF ABSENCE PROCEDURE

A. Referral and Risk Assessment

1. Anyone concerned about a Student's safety should submit a Report of Concern through the Dean of Students' Office.
2. Upon receipt of a referral, the Dean of Students' office will convene a CARE Team meeting to perform an individualized Risk Assessment. The CARE Team meeting will consist of the following individuals at minimum: Dean of Students' or Designee, Director of Public Safety or designee, and Representative from ISU Counseling and Mental Health Center.
 - a. Particular attention will be paid to the conditions for imposing an Involuntary Leave of Absence under Section V.A.1–3 of this policy.
 - b. The Care Team shall not base their Risk Assessment on mere speculation, stereotypes or generalizations.

B. Individualized Evaluation: Following the risk assessment, the Dean of Students will perform an Individualized Evaluation.

1. The Individualized Evaluation will consider:
 - a. The nature, duration, and severity of the risk or disruption;
 - b. Evidence that the risk is present or that the disruption has occurred;
 - c. The nature, duration, and severity of the Student's behavioral or Safety Crisis;
 - d. The Student's ability or inability to successfully participate in academic activities;
 - e. The Student's willingness to participate in a collaborative process to ensure safety; and
 - f. Whether the Student poses a direct threat to themselves or others or is able to care for self.
2. In performing the Individualized Evaluation, the Dean of Students may confer, as feasible and when appropriate in a matter, with additional individuals regarding the need for an Involuntary Leave of Absence. Conferring individuals could include, but are not limited to:
 - a. Faculty Members;
 - b. Academic Advisors;
 - c. With Appropriate authorization, University Health Center representatives;

- d. With Appropriate authorization, the Student's treatment provider(s) or other health care professionals;
 - e. University CARE Team Member(s);
 - f. Disability Services; and/or
 - g. Such other individuals as may be appropriate in an individual matter, including, but not limited to, University Athletics Staff, Student family members (if permissible under applicable law), and/or University Housing Staff.
- C. Following the Individualized Evaluation, if one or more condition(s) for an Involuntary Leave of Absence are met, the Dean of Students will issue a written notice to the Student that an Involuntary Leave of Absence is under consideration. The notice shall include:
- 1. The reason(s) the supporting the determination that one or more condition for an Involuntary Leave of Absence are present;
 - 2. A statement of immediately available resources, which shall include the contact information for Disability Services and the student's right to request reasonable accommodations;
 - 3. A copy of this policy;
 - 4. A specified time period within which to respond; and
 - 5. A date by which the decision regarding an Involuntary Leave of Absence will be made.
 - 6. Notice that if the Student fails to respond within the specified time period, the Involuntary Leave of Absence will automatically come into effect.
 - 7. When there is a need for the University to have access to confidential information as part of the collaborative process of Individualized Evaluation, the Student will be asked to execute a Release of Confidential Information Consent Form.
 - a. The Release of Confidential Information Consent Form provides University personnel temporary authority to receive information from the Student's healthcare provider(s) regarding issues relevant and appropriate to the consideration of an Involuntary Leave of Absence.
 - b. If a Student refuses to execute a Release of Confidential Information Consent Form or to respond within seven (7) business days, the Dean of Students, or designee, may proceed with the Individual Evaluation based on information in the Dean's possession at the time.
- D. In situations where the safety or well-being of any person may be seriously affected, or where physical safety is seriously threatened, or where the ability of the University to carry out its essential operations is seriously threatened or impaired, the Dean of Students may summarily suspend, dismiss, or bar any person from University classes or University-

related programs and locations. In all such cases, actions taken will be reviewed promptly by the Vice President of Student Affairs.

- E. Where Students have been asked to remain away from the University while the review is underway, every effort will be made by the Dean of Students to reach a decision within seven (7) business days, provided the Student responds in a timely manner to requests for information and participates in the collaborative process.
- C. The length of the Involuntary Leave of Absence will be determined on an individual basis. It will remain in effect until:
 - a. It is determined after an Individualized Evaluation that the Student is able to return to the University with or without reasonable accommodations;
 - b. The Student has complied with any University requirements applicable to all Students returning from a leave; and,
 - c. The Student has complied with all of the conditions mandated by the Dean of Students, or designee.
- D. A Student must leave the University within the timeframe set forth by the Dean of Students.
- E. Transitional Support
 - a. Academic Support: The Student will be provided with assistance in understanding how the Involuntary Leave of Absence may impact their academic progress, and how academic decisions may impact the Student's financial situation.
 - b. Counseling and Health Services: Students will be offered counseling and mental health support throughout the Involuntary Leave of Absence decision-making process. If the decision is made to place the Student on an Involuntary Leave of Absence, the Student will be referred to off-campus providers, consistent with the policies of the respective departments.

VII. APPEALS PROCESS

A Student who disagrees with the decision for Involuntary Leave of Absence may submit an appeal to the Vice President of Student Affairs. The appeal must be submitted in writing within seven (7) business days of receiving the notice of Involuntary Leave of Absence.

A Student wishing to appeal the decision of the Dean of Students must follow the following procedures:

- A. Submit an appeal of the decision in writing to the Vice President of Student Affairs.
- B. The written request for appeal must specify the particular substantive and/or procedural basis for the appeal, and must be made on grounds other than general dissatisfaction with

the decision of the Dean of Students. The review by the Vice President of Student Affairs will be limited to the following considerations:

1. Is there substantive evidence that the Student failed to work collaboratively with the University during the Involuntary Leave of Absence decision-making process based on an objective inability to communicate?
 2. Is there substantive evidence showing that one or more of the criteria for an involuntary leave of absence were met??
 3. Is there any new information not previously available to the Student that may change the outcome of the decision-making process?
 4. Were there any procedural irregularities that materially affected the outcome of the matter to the detriment of the appellant?
 5. Given substantive evidence that one or more criteria was met, was the decision reasonable?
- C. After reviewing the matter fully, the Vice President of Student Affairs will issue a written decision affirming, modifying, or reversing the decision to place the Student on an Involuntary Leave of Absence.
- D. The appeal decision will be made within seven (7) business days.
- E. The Student will be notified of the outcome in writing.
- F. The decision of the Vice President of Student Affairs is final and cannot be appealed.

VIII. IMPLICATIONS OF AN INVOLUNTARY LEAVE OF ABSENCE

- A. Student Status. Students on a leave of absence generally retain their admitted Student status; however, they are not registered and therefore do not have the rights and privileges of registered Students such as services at CMHN or the Health Center.
- B. Account Flag. Students on an Involuntary Leave of Absence will have a flag placed on their account that requires the Student to contact the Dean of Students' office prior to registering for classes to begin the Reentry Process, discussed in Section X, below.
- C. Housing. Students assigned to a University residence are subject to the terms of the University Residence Agreement. Students with documented medical disabilities (including mental or behavioral health disabilities) that require University medical services may petition to remain in campus housing for one term while on leave. Students who leave the University before the end of a term may be eligible to receive refunds of portions of their housing charges.

- D. Association with the University. Unless expressly permitted by the Dean of Students in writing, Students subject to an Involuntary Leave of Absence are not permitted to be present at the University and are not permitted to engage in any University-related activities, to include University activities held in the community.
- E. Academic credit for work done elsewhere may be allowed towards a Student's degree progress.
- F. Transcript notation. Students on an Involuntary Leave of Absence will have a notation on their transcript that reads "Leave of Absence" and the dates associated with that status.
- G. Tuition and fees. Students who leave the University before the end of a term may be eligible to receive refunds of portions of their tuition. See the Registrar's Tuition Refunds page for a schedule of refunds.
- H. Meal Plan. A meal plan refund is based on the date when a Student moves out of University residence and is approved under conditions as specified in the Residence Agreement.
- I. Visa Status. International Students (F-1 and J-1 Visa holders) placed on an Involuntary Leave of Absence must speak with an advisor regarding their visa status.
- J. Partial parking refund. A parking refund is based on the effective date of the Involuntary Leave of Absence.
- K. Building Access. A Student placed on an Involuntary Leave of Absence will no longer have building access. Students with property on campus should contact the Dean of Students to coordinate property retrieval.

IX. REENTRY PROCESS

All returning Students must meet the essential eligibility requirements and any technical standards of the University and, if applicable, the relevant school or department, with or without reasonable accommodations.

- A. A student must make a written request to the Dean of Students to return to the University.
- B. General Requirements. If the Student wishes to return to the University after Involuntary Leave of Absence, the Student must:
 - 1. Submit documentation from a licensed, objective expert indicating that the Student is capable of meeting academic and behavioral expectations and is fit to return to the academic environment;
 - 2. The Student is encouraged to submit documentation from a licensed health professional stating that the Student has been actively engaged in treatment;

3. Participate in a re-entry meeting with relevant University officials, including the CARE team, the Dean of Students Office, Disability Services, and / or academic advisors, as appropriate, to develop a support plan for their successful reintegration.
 4. Provide, with the support of their support network, a detailed support/self-care plan that they will follow to prevent a recurrence of obstacles to their success.
- C. Re-entry to a future semester is dependent on individual assessment and documentation provided.
 - D. Dependent on individual circumstances, a Student will not be allowed to return until one full semester has elapsed or until the leave period in the Involuntary Leave of Absence notification has elapsed, and all conditions and/or requirements are met.
 - E. The Dean of Students may require the Student to provide evidence that the Student, with or without reasonable accommodations, has sufficiently addressed the issues that previously established the criteria for imposing an Involuntary Leave of Absence. The Dean of Students may also ask, confer with, or seek information from others to assist in making the determination. The information sought may include
 1. At the Student's discretion, documentation of efforts by the Student to address the issues that led to the Involuntary Leave of Absence;
 2. With appropriate authorization, release of treatment information to the extent necessary to determine if the Student has sufficiently reduced the risk or disruption that led to the need for the Involuntary Leave of Absence;
 3. Consultation with the Vice President of Student Affairs to the extent necessary to determine if the Student has sufficiently reduced the risk or disruption that led to the need for the Involuntary Leave of Absence;
 - F. If the Dean of Students is not satisfied that the Student is ready to return to the University, the Student will be notified in writing of the decision, including the reason for the decision, within a reasonable time after the Student has submitted a request for return and required documentation.
 - G. A Student not permitted to return may appeal the decision to the Vice President of Student Affairs using the procedure outlined above.
 - H. The decision of the Vice President of Student Affairs is final and cannot be appealed.

X. RELATED LAWS, RULES, AND POLICIES

- A. The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99)
- B. 45 CFR § 164.105

- C. 45 CFR § 164.103
- D. Idaho Code § 67-5751
- E. ISUPP 1030 *University Records, Archives, and Publications*
- F. ISUPP 1090 *HIPAA Hybrid Entity*
- G. ISUPP 2470 *Electronic Messaging*
- H. ISUPP 5000 *Student Code of Conduct*
- I. New Idaho Law about sharing medical records and forcing diagnosis