



## University-initiated Leave

### 1. INTRODUCTION

This document describes the University-initiated Leave of Absence process. It identifies the conditions in which University-initiated Leave of Absence is considered and describes the process of the individualized assessment undertaken to determine whether a University-initiated Leave of Absence should be initiated. This document also outlines possible outcomes of an individualized assessment, and possible conditions required for a student to return after a University-initiated Leave of Absence.

### 2. UNIVERSITY-INITIATED LEAVE

Utah State University strives to create a safe, inclusive, and supportive environment for all students to pursue their academic, intellectual and personal goals. The University values the health and safety of every individual in the University community. To that end, the University maintains a Behavioral Intervention Team (BIT), which is the centralized body for collecting, assessing, and addressing reports of concerning behavior and providing a safe physical and emotional environment for the University's students.

When there is a health or safety threat or disruption, the University, at the recommendation of the BIT, may deem a University-initiated leave of absence or withdrawal necessary to successfully manage severe and immediate threats to the safety, security, and well-being of the campus community and its individual members.

A University-initiated Leave of Absence is a last resort, which is generally considered only after voluntary actions by the student, reasonable accommodations, other lesser interventions are determined to be insufficient to address the threat or disruption. The determination to institute a University-initiated Leave of Absence is made after the BIT has engaged in an individualized assessment. An individualized assessment is a reasonable and fair evaluation of the student's unique needs and circumstances. The individualized assessment carefully considers information provided by the student, medical providers, and others in determining if a University-initiated Leave of Absence is necessary.

Factors considered during the individualized assessment may include, but are not limited to, the nature, immediacy, duration, and severity of risk associated with a student's continued participation in University life; the probability that potential immediate injury and/or harm will occur as a result of the student's continued participation in University life; whether the student is substantially impeding the education process or functions of other members of the University community; and whether the identified risks can be significantly mitigated through reasonable modifications of policies, practices or procedures.

#### 2.1 University-initiated Leave

The University may initiate either a temporary leave of absence of a student when

- (a) There is a reasonable basis to believe, based on a case-by-case, individualized assessment that the student cannot safely participate in the University's academic programs and/or the residential life of the University.

; or

- (b) There is a reasonable basis to believe, based on a case-by-case, individualized assessment, that the student poses an immediate, significant risk or threat to the health or safety of others; or causes or threatens to cause property damage; or engages in behavior that is unduly disruptive of others in the Utah State community. (Behavior that is "unduly disruptive" includes but is not limited to conduct that substantially impedes the emotional or physical well-being of others and/or the academic, extracurricular, or social activities of others. The University-initiated Leave of

Absence processes are invoked when these behaviors cannot be addressed through existing policies and procedures, including the [Disciplinary Procedures for Disruptive Classroom Behavior](#) as outlined in the Student Code).

The immediate circumstances resulting in the initiation of a University-initiated Leave of Absence must be such that the student is not otherwise qualified to attend Utah State University without requiring a level of care the University cannot reasonably provide.

### 2.2 Process

When the Associate Vice President for Student Affairs (AVPSA)<sup>1</sup> receives credible information that a student may be an immediate risk to the health or safety of others or is unable to safely participate in the academic or residential life of the University, the AVPSA will, in consultation with the BIT and other appropriate offices and University officials, determine if an individualized assessment should be conducted and if temporary measures are necessary (*See section 2.3.1*).

If an individualized assessment is to be conducted, the AVPSA, in consultation with the BIT, will determine what information is necessary to complete the individualized assessment including any mandated evaluations or assessments of the student.

At this point the student will be:

- (1) Notified of the individualized assessment and any mandated evaluations or assessments they may be required to participate in;
- (2) Provided information on the process of the individualized assessment and potential outcomes, including information on rights to appeal; and
- (3) Given the opportunity to provide any information they believe should be considered in this process.

Once the individualized assessment is completed, the student will be notified of the outcome. If it is determined that the student can safely and effectively maintain enrollment, the student will be notified regarding any additional accommodations that may be provided and informed of conditions required to maintain enrollment ("Lesser Interventions"). Lesser Interventions may include, but may not be limited to, adhering to individualized behavioral contracts and/or restrictions on access to the campus, or compliance with a medically prescribed treatment plan. The student will also be informed of how and to whom to appeal the imposition of any Lesser Interventions.

If it is determined that a leave is necessary:

- (1) The student will be notified of the decision and of any limitations placed on the student's access to University property, services, activities or academic programs;
- (2) The student will be given the option to undertake a [voluntary leave of absence](#) to address the issues identified by the individualized assessment;
- (3) If the student is unwilling to voluntarily take a leave of absence, the student will be withdrawn from all courses; a notation of "W" (for Withdraw) will be recorded on the transcript for those courses in place of a grade. At the student's request, students may be assigned the status of Incomplete to these courses;
- (4) The student will be notified of the conditions necessary for the student to return to the University; and
- (5) Information on how and to whom to appeal this outcome will be provided to the student.

#### 2.2.1 Temporary measures

---

<sup>1</sup> References to the AVPSA also include designees of the AVPSA.

If a threat to health or safety presents an immediate risk of harm or a genuine emergency the AVPSA or designee may temporarily implement immediate measures. These measures may continue until the individualized assessment is complete and an outcome is determined.

A student subject to temporary measures shall be given an opportunity to personally appear before the AVPSA or designee within two (2) business days from the effective date of the temporary measures, in order to discuss the reliability of the information concerning the student's behavior. Following this meeting, the AVPSA or designee may either continue or cancel the temporary measures. If the temporary measures are cancelled, the procedures described in this policy regarding University-initiated Leave may still proceed.

Where temporary measures have been implemented, the AVPSA is under an affirmative obligation to reassess their necessity in light of new information as such information comes to their attention.

### 2.2.3 Outcome determination

The final outcome of the individualized assessment, i.e., whether a University-initiated leave is necessary or if reasonable accommodations would effectively mitigate the health or safety threat or disruption, is determined by the Associate Vice President for Student Affairs (AVPSA).

### 2.2.4 Appeal of University-initiated Leave of Absence

A student may appeal the AVPSA's decision to institute a University-initiated leave or stated conditions necessary for return within five (5) business days of notification of the decision by the University. Appeals must be made in writing and must include:

- a) A statement identifying which portion of the decision they wish to appeal
- b) The reasons why an appeal should be granted

Appeals should be directed to the Vice President for Student Affairs (VPSA). The VPSA will endeavor to issue a determination on the appeal in a timely fashion.

## 2.3 Individualized Assessment

Before a University-initiated Leave of Absence is initiated by the University, an individualized assessment must be conducted. The purpose of an individualized assessment is to determine whether a student can safely participate in University programs when reasonable accommodations and modifications are considered. An individualized assessment is based on a reasonable judgment that relies upon current medical knowledge or other specialized knowledge and the best available evidence. An individualized assessment should consider each student's circumstance with regard to the nature, immediacy, duration, and severity of risk, the probability that potential, immediate injury and/or harm will occur should the student continue participating in University life, whether the student is substantially impeding the educational process or functions of other members of the community, and whether reasonable modifications of policies, practices or procedures may significantly mitigate risk. To complete the individualized assessment, relevant documentation and recommendations are reviewed and a mandated assessment of the student may be required.

### 2.3.1 Documentation and recommendations

The individualized assessment relies on objective evidence and current medical knowledge or other specialized knowledge. In the process of conducting the assessment, recommendations and documentation may be sought from:

- (1) The student's current, licensed, healthcare providers, including, but not limited to, physicians, psychologists, or licensed counselors for whom the student has authorized a release of information. This may also include University healthcare providers;
- (2) The student;

- (3) Individuals who can provide observations of the student's behavior or objective evidence, including, but not limited to, University officials, residence life staff, faculty, law enforcement, and the student's family members; and
- (4) The Behavioral Intervention Team (BIT)

### 2.3.2 Mandated assessment

As part of the individualized assessment, the student may be required to complete a mandated assessment. A mandated assessment may include medical or psychological evaluations although the format, scope, and specific questions to be addressed will be tailored to the individual and administered by professionals with appropriate competence, training and licensure to complete the assessment. The outcome of the mandated assessment will be shared with the Behavioral Intervention Team (BIT), and the Associate Vice President for Student Affairs (AVPSA). A designated staff member of the USU Student Health and Wellness Center or Counseling and Psychological Services may be consulted in order to appropriately interpret the mandated assessment results.

### 2.3.3 Student involvement in the individualized assessment

Whenever safe, reasonable, and feasible, University officials will meet with a student and give them the option to respond to concerns raised in the individualized assessment and provide relevant information which may influence the outcome.

The University reserves the right to place a student on leave or impose administrative restrictions as a condition of remaining enrolled when a student is unable or unwilling to respond or adhere to directives of University officials.

### 2.3.5 Conditions set from the individualized assessment

As part of the individualized assessment, specific conditions may be set which must be met for the student to be permitted to return to Utah State University. These conditions are individualized for each student for their unique circumstances and are intended to establish the student's ability to safely and effectively participate in the academic and residential life of the University.

These may include, but are not limited to:

- (1) A letter of support recommending return or readmission from the student's licensed medical provider, as defined as (a) licensed physician(s), psychiatrist(s) and/or licensed mental health provider with an authorization for disclosure by and between said provider and a designated member of the Student Health and Wellness staff and the VSPA or designee
- (2) An independent medical or mental health evaluation
- (3) Compliance with a medically prescribed treatment plan
- (4) A Medical Readmission Form
- (5) Adherence to an individualized behavioral contract
- (6) A self-support statement from the student
- (7) Other information that the student wishes to submit

As decisions on return requests are made on a case-by-case basis, the University may require additional information or documentation as deemed appropriate and necessary in a particular case.

## 2.5 Returning to Utah State University

When a student wishes to return to Utah State University after a University-initiated leave they must be authorized to do so by the AVPSA or designee. Decisions regarding readmission requests are made on a case-by-case basis and readmission is not guaranteed for Utah State University or to any specific academic program.

For a student to be eligible for return after a University-initiated leave, the following standards must be met:

- (1) the factors that led to the student's involuntary leave has been adequately addressed and/or managed such that the student is otherwise qualified to safely and/or effectively participate in the academic and/or residential life of the University (with or without reasonable accommodation);
- (2) the student does not pose a current or active threat to the health or safety of others or to property, nor poses a current or active threat of undue disruption to members of the University community; and
- (3) The student is otherwise qualified for admission for Utah State University and their academic program. The requirements for admission to academic programs may vary.

### 2.5.1 Authorizing return to the University

Requests for return authorization are submitted, in writing, to the Associate Vice President for Student Affairs (AVPSA).

- (1) The student should provide the following documentation:
  - (a) Documentation outlined by the individualized assessment as required as a condition for return; and
  - (b) Information which the student believes supports their request
- (2) The AVPSA or designee will investigate if the student has met the conditions of return, consult with appropriate members of the BIT or offices/individuals included in previous safety assessments involving the student, and carefully consider the recommendations of the student's licensed healthcare provider.
- (3) The AVPSA or designee will notify the student, in writing, if additional information is necessary to determine eligibility for return within ten (10) business days of the initial request.
- (4) The AVPSA will decide to: (a) continue the leave; (b) authorize the student to return; or (c) authorize the student to return subject to specified conditions (*See section 2.5.2*).
- (5) The student will be notified of a decision within ten (10) business days of submitting all required forms, information and evaluations required by the AVPSA.
- (6) The student may appeal this decision, in writing, to the Vice President for Student Affairs (VPSA).

### 2.5.2 Additional conditions of return

The AVPSA may determine that a student must abide by specified conditions and requirements to maintain enrollment. These requirements will be clearly outlined and provided to the student in writing. These conditions may include but not be limited to adherence to individually-tailored behavioral contracts. The University reserves the right to modify these conditions at any time.

### 2.5.3 Appeals to return decisions

A student may appeal the decision made to continue a University-initiated leave, conditions imposed on return, or modifications to these conditions within five (5) business days of notification of the decision by the University. Appeals must be made in writing and must include:

- a) A statement identifying which portion of the decision they wish to appeal
- b) The reasons why an appeal should be granted

Appeals should be directed to the Vice President for Student Affairs (VPSA). The VPSA will endeavor to issue a determination based on the appeal in a timely fashion.

### 2.4.5 Return to Utah State University

Students who return from a University-initiated leave or are readmitted after a withdrawal are encouraged to connect with support services, including CARE Managers, academic advisors, community providers,

therapists at Counseling and Psychological Services, the consultants at the Disability Resource Center, providers at Student Health and/or community providers within the first two weeks of return.