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UNIVERSITY OF TORONTO  
**STUDENTS' UNION**

# **University-Mandated Leave of Absence Policy: Translation, History, and Perceptions**

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*Content Warning: Mentions of Suicide and Suicidal Ideation*

*If you or someone you know is struggling with suicidal ideation, you can call the Good2Talk Student Helpline at 1-866-925-5454, the Gerstein Centre Crisis Line at 416-929-5200, and/or Canada Suicide Prevention Service at 1-833-456-4566.*

*Please reach out. The world is better with you in it.*

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## **Table of Contents**

<b>Introduction</b>	<b>3</b>
<b>Policy Translation</b>	<b>4</b>
Definitions	4
Scenarios of Use	5
Process	6
Terms and Conditions	7
Return to Study	8
<b>Students Affected</b>	<b>9</b>
<b>History</b>	<b>10</b>
<b>Common Misconceptions</b>	<b>12</b>
<b>Student Concerns</b>	<b>15</b>
<b>Review Period</b>	<b>16</b>
<b>References</b>	<b>17</b>



## Introduction

The [University-Mandated Leave of Absence Policy](#) (“UMLAP” or “the Policy”) outlines the circumstances and procedures by which the University may temporarily remove students from study [1]. The Policy is intended to be a compassionate, non-punitive way to address serious mental health issues without academic consequences; however, it has been subject to criticism that it discriminates against students with disabilities and perpetuates stigma surrounding mental health.

The following document will provide an overview of the Policy’s contents, as well as its invocation (usage) statistics, history, and perceptions. The document is intended strictly for educational purposes, and is not intended to communicate the UTSU’s stance on the Policy.

The UTSU hopes to follow this document with a detailed report on student perceptions of the Policy. In addition, the UTSU will update the Students Affected section of this document with the invocation statistics for the 2020-2021 when they are officially released.



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## Policy Translation

Since the Policy is relatively long and dense, the UTSU has summarized the key points in the following section. Please note that this section does not encapsulate all of the finer details of the Policy, only the broad strokes. In addition, some sections are bolded for readability.

### Definitions

This section of the Policy defines the terminology that will be used throughout. The information is highly relevant as any potential misinterpretation of these terms may lead to ambiguity. Due to the importance of the information, the UTSU has chosen to repeat the definitions exactly as stated, as important nuances may be lost to summarization otherwise.

**Accommodation(s):** one or more accommodative measures (e.g. academic accommodations such as extra time to write an exam, physical accommodations to assist in the learning environment, etc.) provided pursuant to the *Ontario Human Rights Code's* duty to accommodate up to the point of undue hardship.

**Student:** For the purposes of this policy, "Student" means any person:

- (i) engaged in any academic work which leads to the recording and/or issue of a mark, grade or statement of performance by the appropriate authority in the University or another institution; and/or
- (ii) associated with or registered as a participant in any course or program of study offered by or through a college, faculty, school, centre, institute or other academic unit or division of the University; and/or
- (iii) entitled to a valid student card who is between sessions but is entitled because of student status to use University facilities.

**Division Head:** Principal, Dean or director ("head") of a faculty, college or school in which the Student is registered. In the case of a graduate Student, the Division Head will be the Dean of the Faculty of the Student's academic program.

**Student Case Manager:** Person designated by the Vice-Provost, Students to be the point of contact with the Student throughout the



process of this Policy's application, and to act as the liaison for the Student with staff who are engaged in exploring potential Accommodations and supports as well as with the offices engaged in providing advice on the terms and conditions if needed.

**Student Support Team (SST):** A team established by the Vice-Provost, Students that may include student service representatives, registrarial personnel, medical professionals, academic administrators, equity officers, campus safety personnel, and Campus Police or others. The team brings together multi-disciplinary expertise to assist in a nuanced and comprehensive analysis of the Student's needs.

The definition of Accommodations is particularly important, and will be expanded upon in the Common Misconceptions section.

## Scenarios of Use

The Policy is designed to be **invoked when there is concerning behaviour or misconduct as a result of serious mental health issues** which make the application of the Code of Student Conduct or academic standards inappropriate. Under section I-C-22, UMLAP describes two scenarios in which the Policy may be invoked, which are known as the "threshold for invocation".

1. The first scenario occurs when "the Student's behaviour poses a risk of harm to self or others, including but not limited to a risk of imminent or serious physical or psychological harm, or harm that involves substantial impairment of the educational experience of fellow students" [1].
2. The second scenario occurs where "the Student is unable to engage in the essential activities required to pursue an education at the University notwithstanding Accommodations or supportive resources that have been deployed or offered to the Student" [1]. This scenario covers situations in which accommodations have been unsuccessful for a student whose mental health issues mean they are unable to complete educational requirements (eg. coursework, exams). In this scenario, a Leave of Absence is a last resort, and is intended to be deployed after the list of potential accommodations has been exhausted.

The Policy clarifies that the second scenario does not apply to all situations in which students are academically unsuccessful (in which case normal academic standards



would apply), only those which involve serious behavioural issues as a result of mental health. It states that the leave is intended to “provide an opportunity for the Student to seek assistance to focus on whatever underlying issue may be causing the serious behavioural problems, without incurring normal academic consequences” [1].

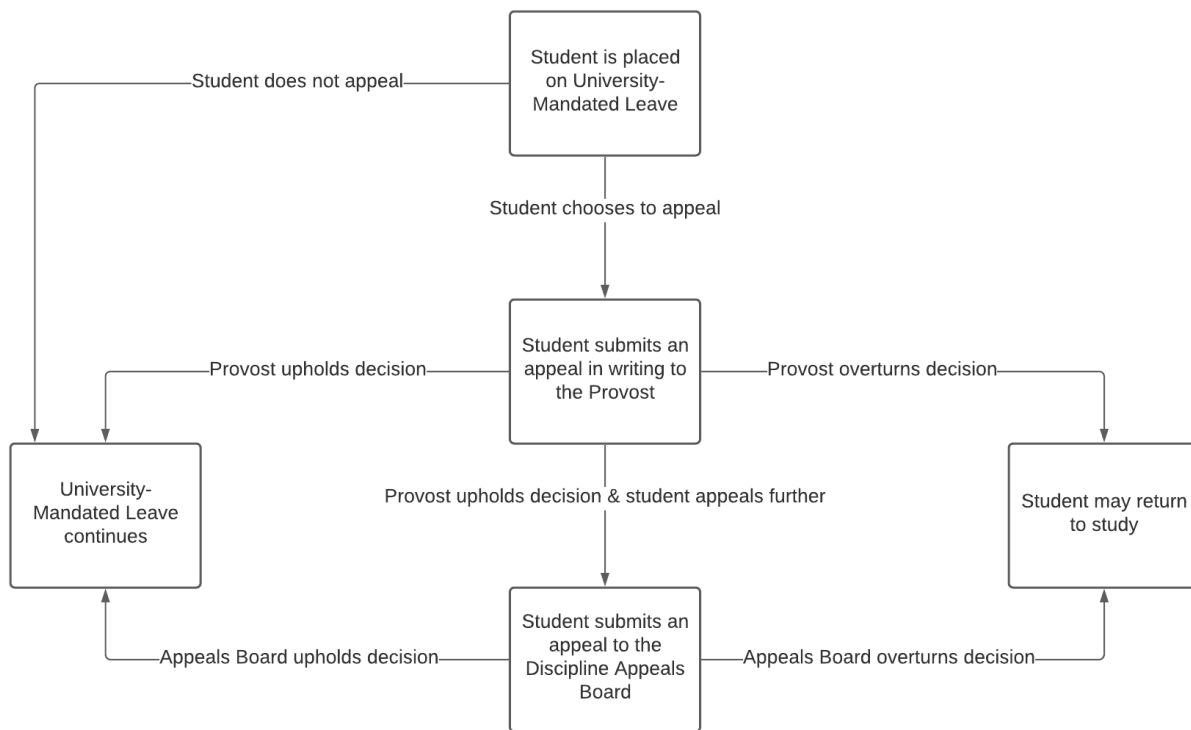
## **Process**

If a student meets the threshold for invocation, a Division Head may request that the Policy be invoked by the Vice-Provost, Students (VPS). **Should the VPS determine that action under the Policy is appropriate, they will designate a Student Case Manager and a Student Support Team.** The Student Case Manager will inform the student in writing that the Policy has been invoked, and begin working with the student to explore Accommodations in the hopes that the student can continue their program of study without a Leave of Absence.

If the Student Support Team determines that a Leave of Absence would be appropriate, they will develop a set of recommendations for consideration by the student and the VPS. The VPS will then develop the terms and conditions of the Leave based on the recommendations and notify the student in writing. If both parties agree, the Voluntary Leave of Absence will begin.

**If the student does not agree to a Voluntary Leave of Absence, the VPS may place the student on a University-Mandated Leave of Absence.** If this is in consideration, the Student Case Manager will notify the student in writing. With the student’s consent, the VPS may seek expert advice (eg. psychiatric risk assessment) at the University’s expense. The Student Support Team will develop a set of recommendations, which the VPS will share with the student in writing. The student will also have the opportunity to share information they deem relevant. Based on all the available information, the VPS will determine whether a University-Mandated Leave of Absence is appropriate, and will notify the student of the decision rendered.

If the student wishes to appeal, they may submit a request in writing to the Provost within 10 days of the VPS’s decision. The Provost then has 10 days to review the available information and respond. If the student disagrees with the response, they may submit an appeal to the Discipline Appeals Board of the University Tribunal within 20 days of the Provost’s decision. The Senior Chair or Associate Chair of the Discipline Appeals Board will then make the final decision. The appeal process is outlined in the image below, and the student will be on Leave throughout.



In some urgent situations – such as those involving serious threats or violent behaviour – the normal process is skipped, and the VPS may immediately place the student on a University-Mandated Leave of Absence for up to five business days. During those five days, the VPS will appoint a Student Case Manager and determine whether to extend the University-Mandated Leave of Absence. At any time during this process, the student may request a Voluntary Leave.

In all cases, no notation regarding the student’s Leave of Absence will be recorded on their academic transcript.

### Terms and Conditions

Each Leave of Absence has a set of terms & conditions which are developed by recommendations from the Student Support Team to address each student’s unique circumstances. The terms & conditions are a set of conditions set for the student by the University, which describe the duration of the leave and the process by which students can return to study. Additional conditions can include academic credit, tuition refunds, any changes to scholarship availability, access to University facilities, transitional housing if the student lived in residence, the method and frequency of communication between the student and the University, and others.

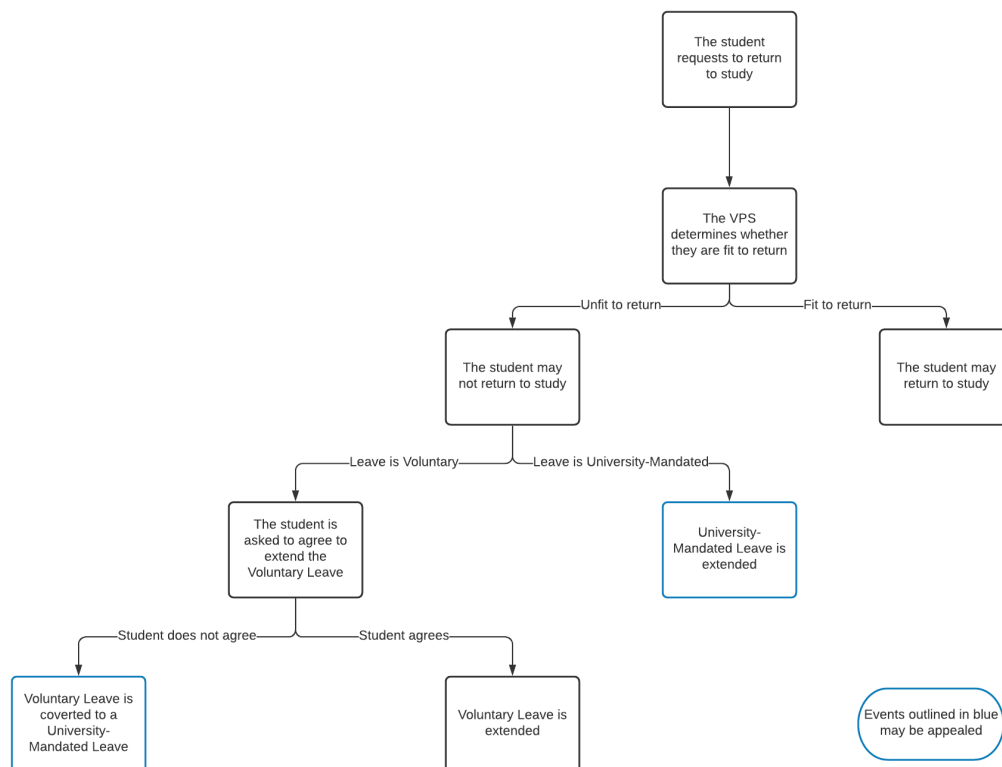


## Return to Study

In order to return to their studies, **students apply in writing to the Vice-Provost, Students (VPS) to demonstrate that any terms & conditions associated with the Leave have been met and that they are fit to return.** The Policy notes that students are “encouraged to provide information from any treating health specialists, and in particular, an opinion from a treating health professional that the Student is able to return safely to studies” [1].

Should the VPS determine that a student is fit to return, they may seek external advice at the University’s expense, such as a psychiatric assessment. The student will then be able to continue their education with a return to studies plan implemented by the Student Case Manager and the VPS.

Should the VPS determine that the student is not fit to return, the subsequent steps differ based on whether the Leave was voluntary or not. If the Leave was University-Mandated, the VPS will extend it. If the Leave was Voluntary, the VPS will seek the student’s agreement to extend it; should the student refuse, the VPS may convert the Voluntary Leave to a University-Mandated Leave.







## Students Affected

In accordance with section VII-78 of UMLAP, the OVPS must submit annual reports on UMLAP's effectiveness to the University Affairs Board of the Governing Council [1]. As of the writing of this document, two reports have been presented, the superficial contents of which are presented in the table below [2][3].

Summary of UMLAP invocation in its first three years of operation

<b>Academic Year</b>	<b>Active Cases at the Beginning of the Academic Year</b>	<b>Leaves of Absence</b>	<b>Students Returned to Study</b>	<b>Active Cases at the End of the Academic Year</b>
<a href="#">2018-2019</a>	0	8	2	6
<a href="#">2019-2020</a>	6	1	2	5
2020-2021	5	*	*	*

\*According to the [Student Consultations webpage](#), at least one student returned to study during the 2020-2021 academic year [4], and at least three students were placed on leave [according to The Varsity](#) [5]. The UTSU will update this document with a memorandum once the official data has been released to the University Affairs Board, and has requested that this occur at the Cycle 1 meeting on September 30.

Of the 9 Leaves of Absence taken during the 2018-2019 and 2019-2020 academic years, two were Voluntary Leaves of Absence. As of writing this document and to the knowledge of the UTSU, neither of the students who were voluntarily on leave had returned to study.



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## History

The first mention of a leave of absence policy was in the 2014-2015 Report of the University Ombudsperson, which expressed **concern that student misconduct as a result of mental health fell under the jurisdiction of the Code of Student Conduct or related academic policies** [6][7]. The report recommended that a policy be created which includes “a return-to-campus procedure following a leave of absence, whether that leave was taken by agreement or imposed on the student,” among other characteristics.

On 2 October 2017, a **draft of UMLAP was brought before the University Affairs Board of the Governing Council** by Professor Sandy Welsh, the Vice-Provost, Students [8][9]. The draft was intended to fulfill the recommendations of the 2014-2015 Report of the University Ombudsperson. The presentation stressed that UMLAP “would apply to a very small number of students who met the high threshold for intervention” and that “the presence of mental health or other concerns provided a context for University action that was not disciplinary in nature.”

Nevertheless, **student views on the Policy were overwhelmingly negative**, and students expressed concerns of a broad scope, lack of meaningful student consultations, and targeting of vulnerable students, among others [10][11]. Particularly of concern was the University’s duty to accommodate under the *Ontario Human Rights Code*, which – as student groups pointed out – the Policy did not appear to meet [11].

On 20 November 2017, the University Affairs Board delayed voting on the Policy’s approval until the following meeting on 30 January 2018 [12]. At the 20 November meeting, **students voiced concerns on discrimination, broad scope, and students’ lack of autonomy** [12].

On 29 January 2018, **Chief Commissioner of the Ontario Human Rights Commission (OHRC) Renu Mandhane sent a letter to then-Chair of the Governing Council Claire Kennedy**, recommending that UMLAP “not be approved in its current form” [13].<sup>1</sup> Specifically, Mandhane cited **concerns that UMLAP failed to meet the duty to accommodate as detailed in the Ontario Human Rights Code** and stigmatized students with mental health disabilities. The approval of UMLAP was subsequently withdrawn from the University Affairs Board agenda for their meeting on 30 January 2018 [14].

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<sup>1</sup> It is sometimes reported that the OHRC “overturned” UMLAP – this is a misunderstanding of events.



Following revisions to the draft in accordance with consultations and the OHRC's letter, **UMLAP was approved by the University Affairs Board** on 24 May 2018 [15][16]. This occurred in spite of student protests and the denouncement of the Policy by several student groups [17][18].

On 24 June 2018, **a student committed suicide at the Bahen Centre** [19]. **Three days later, UMLAP was discussed at the Governing Council meeting**, where Provost Cheryl Regehr stressed the need for a Policy which provided the University a course of action alternative to punitive measures under the Code of Student Conduct or academic penalties [20][21]. Student unions suggested further consultations with students and raised concerns about the effect on racialized students, its potential impact on international students, and its vague wording. **UMLAP was approved and went into effect immediately.**

The day **after a student's suicide at the Bahen Centre on 18 March 2019, students gathered in Simcoe Hall** (which houses the offices of the Governing Council) demanding urgent attention to the issue of mental health on campus and interrupting a Business Board meeting [22][23][24]. A group of students subsequently published *Nothing About Us Without Us* on 3 April 2019, which recommended (among other things) a complete repeal of UMLAP [25][26].<sup>2</sup>

In December 2019, **the Presidential and Provostial Task Force on Student Mental Health released its report**, including the recommendation that the University "improve understanding of and ensure robust review of the University-Mandated Leave of Absence Policy" [27]. Specifically, the report expressed concern that UMLAP was viewed "as a potential barrier to students seeking mental health services," and recommended that the University "ensure that students understand they will not be put on leave for simply seeking medical care, as demonstrated by the policy's limited use in its first year."

In March 2021, **the Governing Council began student consultations for its three-year review of UMLAP** in accordance with the requirements outlined in the Policy itself, with plans to end the review in May 2021 [28]. After a joint letter between several student unions on 19 March 2021, the review period – including student consultations via town halls and online feedback – was extended into the fall semester of the 2021-22 school year [29][4].

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<sup>2</sup> Please note that some sections of the report (specifically pertaining to the timeline and response to the OHRC's concerns) are inaccurate and/or misleading.



## **Common Misconceptions**

Due to UMLAP's broad language and status as a controversial policy, there are many misconceptions surrounding it. The UTSU gathered the following misconceptions from the qualitative responses to the University-Mandated Leave of Absence Policy Student Survey fielded in March 2021.

### **UMLAP means that the University can “kick you out”:**

A Leave of Absence means that a student is temporarily removed from study. Though this may sound the same as an expulsion, there is a critical distinction that separates the two. A student placed on a Leave of Absence may return to study, whereas a student who is expelled will have their registration as student permanently terminated. Those on a Leave of Absence remain registered as a student, as long as they maintain contact with the University in accordance with the terms & conditions of their Leave. However, it should be noted that this does not guarantee their access to University premises or services, or resources such as the Health & Dental Plan.

### **Under UMLAP, the University can force a student to take a Leave of Absence just for seeking medical support:**

This depends on the circumstances. If a student is unable to engage in essential activities and seeks medical support, the university must first exhaust all available relevant forms of accommodations before a student can be forced to take a Leave of Absence. It is true, however, that the Health & Wellness Centre may be required to share information with authorities (including those at the University) in some circumstances, including if they are concerned that a student may physically harm themselves or others [30]. This may result in a student meeting the threshold for invocation under scenario one, but that alone does not guarantee that UMLAP will be invoked.

### **UMLAP violates students' human rights:**

This concern has been present throughout the development and implementation of UMLAP. If the Policy were applied outside of its stated scope, this could very well be the case. However, the University has a legal incentive to ensure correct application. Under the [Ontario Human Rights Code](#) (“the Code”) Sections 11 and 17, the University is allowed to remove students from study if accommodating their continuation would result in undue hardship [31]. Undue hardship can only be proven on the basis



of cost, outside sources of funding, and/or health & safety, and the onus of proof lies with the University [31][32]. Essentially, the University is legally permitted to remove students from study if it can prove that they present a genuine health & safety risk to themselves or others.

For scenario one, the University would likely see no issue in providing this proof; however, scenario two is much less clear-cut. Whether or not the removal of a student violates their rights under the Code likely depends on the previous attempts to accommodate the student, as “an organization will not be able to argue persuasively that providing accommodation would cause undue hardship if it has not taken steps to explore accommodation solutions” [32]. Assuming the University applies the Policy within the scope stated in Section I and “pursuant to the *Ontario Human Rights Code*’s duty to accommodate up to the point of undue hardship” in accordance with its definition of “Accommodations” [1], removing a student should not violate their rights.

### **UMLAP gives the University broad powers to remove students from study:**

This misconception likely stems from the vagueness of the threshold of invocation, which does not describe the specific behaviours which would warrant the Policy being invoked. However, this is because UMLAP was designed to be invoked rarely in order to address the worst case of many scenarios, and the annual OVPS reports indicate that its application is consistent with this. The University has a legal incentive (as well as a moral one) to ensure that UMLAP is invoked only as a last resort, in accordance with Ontario human rights legislation.

### **UMLAP exists so the University can force students off-campus and then abandon them in order to lower their on-campus suicide rates:**

There is no evidence to support this. The OVPS reports indicate that UMLAP is being used in accordance with its stated intentions. In addition, students retain their Student Support Team and Student Case Manager the entire time they are on Leave.

### **The University may invoke UMLAP to control costs of accommodations:**

Invoking UMLAP requires a team of people and coordination of resources. With this in mind, there is no evidence to say that UMLAP is more or less costly for the University than continuing to provide accommodations, nor is there evidence to say that either is more effective.



### **UMLAP allows the University to handcuff students:**

In November 2019, a student experiencing suicidal ideation at the University of Toronto Mississauga campus was handcuffed by Campus Safety (formerly Campus Police) [33]. While this is similar to UMLAP in that both are controversies pertaining to mental health at the University and are therefore often discussed in tandem by the same student groups, there is nothing in UMLAP that allows for the handcuffing of students. That being said, there is the potential for Campus Safety to be included on a Student Safety Team, as shown in the Definitions section.



## Student Concerns

UMLAP has been controversial since its first draft was revealed in 2017. From the University-Mandated Leave of Absence Policy Student Survey fielded in March 2021, as well as from extensive research, the UTSU gathered the following student concerns. Please note that the concerns listed below are not necessarily the stance of the UTSU, and that they are listed in no particular order.

- The criteria to invoke the Policy are too broad and vague.
- The disruption to life and possible removal from support systems may cause undue harm to students experiencing mental health issues.
- International students may lose health coverage and immigration status.
- Voluntary Leave should be available for any student to request without academic consequence.
- UMLAP contributes to the stigmatization of mental illness.
- Students may be coerced into taking a Voluntary Leave, since the University has the power to force them into a Leave of Absence should they refuse.
- The return to studies process is complicated and may involve undue effort on the student's part.
- Students may avoid seeking help for suicidal ideation and other mental health issues as a result of the Policy.
- The potential involvement of Campus Safety (formerly Campus Police) in the Student Support Team is unnecessary and possibly traumatizing for students, particularly racialized students.
- UMLAP is discriminatory.

This is in no way a comprehensive list of student concerns. The UTSU has released a more detailed analysis of the University-Mandated Leave of Absence Policy Student Survey results in the *University-Mandated Leave of Absence Policy September Consultation Report* available on the UTSU website, and apologizes for the delay in this regard.



## Review Period

Section VII-79 of the Policy states that it must be reviewed in the third academic year of its operation. In accordance with this section, the review period began in March 2021, and is scheduled to be completed in December 2021. During the review period, the UMLAP review team will host town halls and accept feedback via an online form [4]. As of the time of writing, there are two more planned town halls, scheduled for **09:30 - 11:00 on September 23** and **15:30 - 17:00 on October 5**.

It is important to note that while the Governing Council and Provost have the power to initiate reviews of UMLAP, there is no clause which necessitates periodic review. **Therefore, this review period may be students' last opportunity to provide feedback on UMLAP for an indefinite length of time.** The UTSU encourages all students with an opinion on the Policy to share it through one or more of the available means.





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