NABITA Model Policy on Voluntary and University-Initiated Leaves of Absence and Withdrawals (reproduction and adaptation permitted by copyright owner, TNG, LLC)

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Introduction

The following policies and procedures support and facilitate a safe and healthy learning environment and promote the well-being of the University community. This policy outlines a process for student-initiated voluntary leaves of absence as well as University-initiated leaves of absence. Both a student-initiated and a University-initiated leave of absence allow a student to take time away from the University environment to address the behaviors that led to the leave so that the student can return to the University better equipped for personal and academic success.

This policy allows for a student to take a leave voluntarily of their own accord and/or in lieu of a University-initiated leave. This policy articulates the criteria for initiating a leave of absence and defines the process for readmission to the University in order to ease the transition for the student's return back to the University community and to optimize opportunities for the student's success upon return. Under certain conditions, as articulated below, if a student has not opted to take a leave voluntarily, the University may institute an involuntary leave under this policy.

A. Student-Initiated Voluntary Leave of Absence

Students may initiate a leave or withdrawal from the University for medical, emotional, and/or mental health difficulties that impact their ability to successfully or safely participate in the institution's educational program. At the discretion of the [appropriate official], and subject to the refund policies of the institution, arrangements may be made for partial or complete refund of tuition and/or fees.[1] Modifications to housing contracts may also be possible, subject to housing and residential life policies. Modifications to the academic environment may be possible, potentially including alternative and/or online course completion options. The institution will follow normal procedures for leave or withdrawal, including any documentation requirements. If a student takes a voluntary leave, the leave documentation will specify the duration of the leave and options for extension. The student is permitted to return upon the end of the leave subject to standard University procedures for returning from a leave of absence. A student may request modification of the standard procedures for return, in which case the University will make an individualized assessment.

Students who elect a voluntary leave may revoke their decision within two business days by submitting a written request, delivered in person or via email, to the [appropriate official]. Students who are hospitalized, who do not have access to means to submit a written revocation, or who cannot access an individual who can deliver a written revocation may

[1] Institutions may wish to work with tuition insurance providers to offer plans to students/families.

use a reasonable alternate method of communicating their revocation if it is made within the two-business day time period.

A leave of absence is for a period of time specified at the time the leave is taken, though extensions can be granted upon request. Once the leave ends, the student can resume their education at the next logical re-entry point. There are no conditions for return. A student who is on leave is still considered to be enrolled and is subject to pertinent University policies and procedures.

A full withdrawal from the institution can also be elected by a student, but withdrawal from the institution severs enrollment. A withdrawn student is no longer considered a student, and may be withdrawn permanently or for a period of time that does not need to be specified at the time of withdrawal. A student is required to reapply for admission if they withdraw from the institution, rather than take a leave of absence. Their application will be treated as any other application for admission at that time.

B. University-Initiated Leave of Absence

The University prohibits discrimination in educational programs and activities based on the basis of disability or any other characteristic protected by applicable law. The University provides a range of resources, support services, and accommodations for otherwise-qualified students experiencing medical, emotional, or mental health concerns with the goal of promoting their safe participation in the University's educational program, including providing assistance to reduce disruptive behavior. The University will provide reasonable accommodations when properly requested and with appropriate documentation, as long as the accommodations do not require a fundamental alteration of the living or learning environment.

However, there may be situations that create significant and imminent risks and/or that require a level of support that exceeds what would be a considered a reasonable accommodation or support for the University to provide. When current medical documentation and/or the best available objective evidence (not speculation, stereotypes, or generalizations) indicates that there is a significant risk to the safety, health, or well-being of the individual student or the University community, the [appropriate official] has the authority to initiate the process for an involuntary leave of absence.

As part of this process, the [appropriate official] will require an individualized, objective assessment to determine the nature of the risk and will consult with the [Office of Disability Support Services] to determine if there are reasonable modifications/accommodations or the provision of auxiliary aids or services to reduce the risk and/or address the behavior while allowing the student to continue their academic progress. The full process for a University-initiated Leave of Absence is detailed in Section C of this policy.

Students who engage in threats to others or self-injurious behaviors that cause a significant disruption to the community may also be subject to the Code of Student Conduct.

C. University-initiated Leave of Absence Process
    a. The [appropriate official] will issue written notice to the student that a University-initiated leave of absence is under consideration and that as part of the process they

are required to participate in an objective and individualized assessment. The written notice will include the reason(s) for the consideration of a University-initiated leave, contact information for the Office of Disability Support Services, specified time periods for response and compliance with the assessment, and a copy of this policy. The written notice will also contain information related to the objective and individualized assessment, detailed in Section C.b of this policy.

Additionally, the written notice will provide contact information for a Process Advisor, an administrator outside of the University-initiated Leave of Absence process who can serve as a neutral advisor by answering questions and providing information about the process. A student may instead elect for an external advisor, to accompany them throughout the process, who may be an attorney.

Determining whether there is a significant risk to the individual or the University community requires an objective and individualized assessment as detailed below. This assessment serves to provide the University with an objective measurement of risk as well as any reasonable modifications that would sufficiently mitigate the risk. The assessment must be based on a reasonable medical judgment that relies on the most current medical knowledge and/or on the best available objective evidence. In addition to any assessment conducted by the University, the University will also give careful consideration to any opinions and recommendations of the student's treating physician or mental health professional, if available, along with the opinions and recommendations of the healthcare professionals consulted by the University. The University will encourage the student to provide any other additional information that the student believes is relevant to the determination. The University will respect the student's confidentiality, and only expects the student to provide a medical release for access to the student's medical and mental health records as reasonably necessary to complete this individualized assessment.

Self-Harm

In cases where the student is unable or unwilling to carry out substantial self-care obligations and/or poses a significant risk to their own safety, a licensed mental health professional (licensed psychiatrist, licensed psychologist, licensed professional counselor, licensed clinical social worker, etc.) or another professional trained in conducting risk assessments, will conduct an assessment. The University will provide an assessor to conduct this assessment; however, the student may choose their own assessor, subject to institutional approval. This assessment will be used to make a determination that relies on objective evidence, and not speculation, stereotypes, or generalizations, about whether the student poses a legitimate safety risk to themselves based on the severity and likelihood of the potential harm.

Harm to Others

A violence risk assessment will be conducted in cases where the student poses a substantial potential threat to the University community. This assessment should be completed by a campus administrator or professional in the community who has

received training in conducting objective violence risk assessment (often using tools like SIVRA-35, HCR-20, WAVR-21, etc.). This assessment will be used to determine the risk and protective factors related to an individual's likelihood of engaging in violence and whether a direct threat of harm to others exists. A direct threat constitutes a high probability of substantial harm, and will assess:

- The duration of the risk;
- The nature and severity of the potential harm;
- The likelihood that the potential harm will occur; and
- The imminence of the potential harm.

Students subject to this policy will be notified in writing regarding the requirements for the mandated assessment. This written notice will include the required credentials for the assessor, the required type of assessment, the expected documents to be submitted as a result of the assessment, and the timeline for completing the assessment. As noted above, the University will appoint an assessor, but may allow the student to choose an alternative assessor who meets the criteria established by this notice. Additionally, as part of the assessment, the student may be asked to sign a mutual release of information allowing the exchange of information between the University and the assessor. This release will allow the University to share pertinent information from the student's education record that would enhance the assessor's ability to conduct a thorough assessment (incident reports, behavioral intervention team referrals and notes, etc.). The release will also allow the assessor to provide the results of the assessment to the University. The evaluation must be completed per the direction of the referral letter including meeting the deadlines set forth and submitting the appropriate paperwork, unless the [appropriate official] grants an exception. A student will be referred for conduct action for "Failure to Comply" under the Code of Student Conduct if they fail to complete the assessment in accordance with these standards and procedures, and/or fail to give permission for a mutual exchange of information.

b. The [appropriate administrator] may invoke informal administrative resolution procedures to determine the need for a University-initiated Leave of Absence without a formal hearing. This process is also known as an administrative hearing or conference. The results of the objective and individualized assessment will be introduced and final determinations will be made by the [appropriate administrator] in an administrative hearing. The [appropriate administrator] will review the results of the assessment to determine whether the student poses a legitimate safety risk to themselves or a direct threat to the safety, health, or well-being of others or the University community and whether reasonable modifications of policies, practices, or programs will adequately mitigate the risk and allow the student to continue to safely participate in the University community without a leave of absence. This review will be conducted in consultation with the [Office of Disability Support Services].

    i. If reasonable supports or accommodations would allow the student to meet the essential academic and University community responsibilities while maintaining a safe University environment, such supports will be

communicated to the student in writing. The [appropriate official] may work with the student to establish voluntary conditions which will help to ensure their success/safety, or may make a referral to the conduct process, as appropriate, if conditions need to be imposed as part of the sanctioning process. Absent exigent circumstances, the University will explain its individualized assessment process and appeal rights in detail in a mode of communication accessible to the student before obtaining any information about the student from his/her/their health care provider or as otherwise authorized by law and before making any referrals or recommendations concerning the student.

ii. If it is determined by a preponderance of the evidence that the student poses a legitimate safety risk to themselves or direct threat to the safety, health, or well-being of others or the University community, and reasonable modifications would not mitigate the risk, the [appropriate official] will render a written decision within two business days to invoke a University-initiated Leave of Absence. The decision will be delivered to the student in person, telephonically, electronically, and/or by regular or certified mail. The written notice of the decision will include the rationale for the decision, the required length of the leave, and any conditions that student must satisfy to be eligible for return. Additionally, the written notice will inform the student of the process for appealing the decision to invoke a University-initiated Leave of Absence. The full appeal process is outlined in Section D of this policy.

iii. In lieu of the administrative hearing or conference option described in Section C.c above, the student subject to a University-initiated Leave of Absence may request a formal hearing if after the individualized assessment, and careful review and consideration documented by the University, it concludes that the student's continued participation in its educational programs would require modifications that would create undue hardship or would fundamentally alter the nature of those programs, or the student has rejected all reasonable modifications offered by the University and the student cannot meet essential eligibility requirements to continue to participate in the University's educational programs.

A hearing will be scheduled before [specify]. The student will be informed, in writing electronically and/or through regular or certified delivery, of the time, date and place of the hearing. The student will be given at least [XX] business days to independently review the results of the objective and individualized assessment and all other relevant documentation prior to the hearing. The student will be notified of who is expected to present information at the hearing and is expected to notify the [appropriate administrator] of any witnesses with relevant information who should be contacted to request their appearance at the hearing as a witness. As described above, the student may be assisted by an advisor in the hearing, but advisors are not typically allowed to speak for or formally represent the student during a medical leave hearing, unless the [appropriate official]

grants an exception, such as in cases of incapacity. The advisor may be an attorney.

At the hearing, the student may present information about the necessity and appropriateness of a University-initiated Leave of Absence and the student will be given the opportunity to ask questions of others presenting information. The hearing should be conversational and non-adversarial; however, the [appropriate administrator] will exercise active control over the proceeding, to include deciding who may present information. Formal rules of evidence will not apply. Anyone who disrupts the hearing may be excluded. The hearing will be recorded by the University. The record is the property of the University and maintained according to the University's record retention policy for such hearings.

A written decision will be rendered by the [specify] on the basis of a preponderance of evidence within two business days, barring exigent circumstances, with the only possible findings being whether there is a direct threat to others or a legitimate safety risk, meaning that even with the provision of all reasonable modifications offered by the University, the student cannot meet the University's essential eligibility requirements. If a University-initiated leave is imposed, the written notice of the decision will include the rationale for the decision, the required length of the leave, when the student may be eligible to return, the process for obtaining approval to return, and any conditions that student must satisfy to be eligible for return. Additionally, the written notice will inform the student of the process for appealing the decision to invoke a University-initiated Leave of Absence. The full appeals process is outlined in Section D of this policy.

D. Appeal Process

Students subject to a University-initiated Leave of Absence may petition for a review of the determination within three (3) business days of issuance of the written decision. All petitions must be in writing and delivered to the [specify] either directly or electronically within the three-business day timeframe. Reviews will only be considered for one or more of the following purposes:

- To consider new information which was unavailable at the time of the original hearing that could be outcome determinative;
- To assess whether a material deviation from written procedures impacted the fairness or outcome of the hearing;
- [To decide if a University-initiated leave is inappropriate to address the nature, duration and/or severity of the risk or threat];
- To determine if the decision does not align with the information provided in the hearing or whether reasonable modifications might mitigate the risk without a leave; or
- To assess whether bias on the part of a decision-maker deprived the process of impartiality.

Review of a hearing will be limited to the verbatim record of the initial hearing and/or all supporting documents except as required to explain the basis of new information unavailable at the time of a hearing. The review and appeal decision of the [specify] is final.

E. Status of Conduct Proceedings:

This policy may be activated prior to issuance of a determination in the conduct process if the student has allegedly violated the Code of Student Conduct but it appears that the student is not capable of understanding the nature or inappropriateness of the action. The institution may also impose an interim suspension for threat of harm to others or a legitimate safety risk to self. Should an interim suspension be imposed, the student may request an informal show-cause hearing with the [appropriate administrator] to show cause why the interim suspension should be rescinded or modified.

If the student is placed on a University Initiated Leave of Absence under this policy, or another action is taken under these provisions following a finding that the student's behavior was the result of a lack of capacity, such action terminates the pending conduct action. Conduct proceedings may be reinstated if the student is found not to be subject to University-initiated leave.

F. Readmission Following a University-initiated Leave of Absence

At the time that a University-initiated leave is implemented, the student will be notified in writing of the conditions or requirements that must be satisfied in order to be eligible to return. These may include, but are not limited to, successfully completing another assessment in order to demonstrate that the student is no longer a legitimate safety risk or direct threat to the safety, health, or well-being of the individual student or the University community and is otherwise qualified to safely participate in the University's educational program. Any other conditions outlined in writing to the student at the time of leave and/or any related conduct sanctions imposed must also be completed. A hearing, as outlined above, may be held to make an individualized assessment of whether the student is qualified to return.

Questions about this policy and its interpretation should be directed to [specify].

Approved: Date