

# Involuntary Medical Leave of Absence Policy

## I. Policy Statement

Loyola Marymount University strives to ensure that all Students can fully participate as members of the University Community. When a Student's behavior associated with a medical condition interferes with University operations, the University may require that the Student take a leave of absence to ensure the health and safety of the Student or others or to ensure the proper operation of the University. This policy sets forth the circumstances under which the University may require a medical leave of absence when all other processes to individually mitigate the situation have been exhausted. The policy creates two types of leave: Involuntary Medical Leave and Interim Emergency Leave. Interim Emergency Leave is temporary, but may be extended into Involuntary Medical Leave. This policy is independent and separate from the Student Conduct Code, and nothing in this policy precludes the University from taking appropriate disciplinary action under the Code for violations of University expectations.

## II. Protocol

### Involuntary Medical Leave

#### A. Consideration for Involuntary Medical Leave

The University may start the process for possible Involuntary Medical Leave if the Dean of Students, or designee determines that a student's behavior:

1. Suggests that the Student might create a risk to the safety of the Student or others; or
2. Suggests a risk that the educational and other activities of the University may be substantially disrupted.

#### B. Process to Determine Whether Involuntary Medical Leave is required

1. If a University faculty or staff member believes that a Student's behavior might create a risk to the health and safety of the Student or others, or the behavior substantially disrupts the educational and other activities of the University, the faculty or staff member must, through their regular supervisory channels or directly, report the behavior to the Dean of Students, or designee.
2. When an involuntary leave is under consideration, the Dean of Students, or designee will confer as feasible and when appropriate with any of the following individuals or their designees regarding the need for a leave of absence: the appropriate University Health Administrator, the Chief of the Department of Public Safety, the Senior Vice

President for Student Affairs, the Dean of the Student's college or school or such other individuals as may be appropriate in a particular matter. The Dean of Students may require a mental or physical assessment from an appropriately trained health professional if the Dean believes it will facilitate a more informed decision. The University will consider the Student's choice of an appropriately trained health professional but retains the right to require an independent assessment.

As soon as practicable and so long as the University does not believe doing so will increase any health or safety risk to the Student or others, the University will notify the Student that the University is considering requiring an assessment from an appropriately trained health professional. If the Student is required to undergo an assessment, the Dean of Students, or designee will notify the Student that they must undergo an assessment and might be placed on Involuntary Medical Leave.

The Student may provide the Dean of Students, or designee with any information that the Student believes is relevant to the possibility of required Involuntary Medical Leave. The Student must agree to authorize the health professional performing the assessment to release the assessment to the Dean of Students, or designee. The University will comply with laws and University policies concerning the confidentiality of this health information.

3. The health professional performing the individualized assessment of the Student must evaluate the following factors using reasonable, professional judgment based on the most current knowledge and the best available objective evidence:

- a. The nature, duration and severity of any risk posed by the Student to the health and safety of the Student or others;
- b. The probability that potential injury will actually occur;
- c. The nature, duration and severity of potentially reoccurring behaviors that substantially disrupt the educational and other activities of the University;
- d. The probability that substantially disruptive behaviors will occur; and
- e. Whether any reasonable modifications of policies,

practices or procedures or other reasonable accommodation, such as required counseling or other treatment, will sufficiently mitigate any risk or disruptive behavior.

The health professional performing the assessment, the Dean of Students, or designee and the University Health Administrator may consult with one another concerning potential reasonable modifications or accommodations.

4. The health professional performing the individualized assessment will provide a written report to the Dean of Students or designee addressing the factors in Section 2(c), and addressing any other information that the health professional believes is relevant to whether the Student creates a risk to the health and safety of the Student or others, or a risk of substantially disruptive behavior.

5. Within seven calendar days after receipt of the written report if an assessment is required, or notice to the Student of the possibility of involuntary leave if no assessment is required, the Dean of Students, or designee will make a decision concerning whether the Student must take an Involuntary Medical Leave or if other mitigations of risk are required. The Dean of Students, or designee may consult with the appropriate University Health Administrator, the Chief of the Department of Public Safety, the Senior Vice President for Student Affairs, the Dean of the Student's college or school or such other individuals as may be appropriate in a particular matter before making the decision. The Dean of Students, or designee must consider the assessment report, if one was required, and any relevant information provided by the Student, and must evaluate the factors outlined in Section 2(c) in making the decision.

6. The Dean of Students, or designee will notify the Student in writing of the decision and, if an Involuntary Medical Leave is required, any conditions for return from leave. Conditions will be reasonable and based on an individualized assessment of the actual risk posed by the Student. The University may also require other neutral, nondiscriminatory return from leave requirements that are the same as they would be for any other Student on a leave of absence. If the University requires Involuntary Medical Leave, the Dean of Students, or designee will notify the Registrar, the Dean, or designee in the Student's school or college, the Student Housing Office (if resident) and Financial Aid Office.

#### **C. Effects of Involuntary Medical Leave and Conditions of Return from Leave**

To return from leave, the Student must apply in writing to the Dean of Students no later than six weeks in advance of the

semester in which the Student wishes to return. The Student must demonstrate compliance with any conditions for return from leave that were specified in the Student's letter under section 2(f) or otherwise required of nondisabled Students, and provide the Dean of Students with evidence that the Student has met the outlined conditions.

In addition, the return from leave request must include (a) a personal statement from the Student describing the Student's attempts to resolve the issues that led to the Involuntary Medical Leave; (b) evidence of the Student's readiness to return as documented by letters from individuals from whom the Student received care or from employers; and (c) permission for Student Psychological Services (SPS) or Student Health Services (SHS) to consult with health care providers from whom the Student received treatment, and the providers' contact information.

If the Student has been placed on Involuntary Medical Leave more than once, the request for return from leave and supporting information should also specifically address the Student's past history, including any evidence that the Student has taken steps to reduce the risk of reoccurrence of the behavior that led to the leave of absence and evidence, including medical evidence, that the Student is presently able to meet the University's requirements.

After the return from leave request has been provided to the University, the Student must meet virtually with the Dean of Students before return from leave so the Dean of Students may assess the Student's compliance with any return from leave conditions and evaluate any issues arising out of the Student's submission.

The Dean of Students will assess a Student's request for return from leave in consultation with a University Health Administrator. The Dean of Students, or designee will notify the Student in writing of the decision regarding return from leave. If return from leave is permitted, the Dean of Students will advise the Registrar, the Student's academic Dean, or designee and the Financial Aid Office.

#### **D. Appeal from a Decision to Require Involuntary Medical Leave**

A Student may appeal the University's decision to require Involuntary Medical Leave or to deny a return from leave if the Student believes the factual information on which the University relied was not accurate or does not support the decision. An appeal must be in writing, addressed to the Senior Vice President for Student Affairs, and be submitted within ten calendar days of the decision. The Senior Vice President for Student Affairs may take any steps deemed appropriate to decide the appeal and will issue a decision to the Student in writing within ten calendar days of receiving

the appeal. The University may implement or enforce its decision even where an appeal is pending.

### **Interim Emergency Leave**

#### **A. Consideration for Interim Emergency Leave**

If a University faculty or staff member reports a Student's behavior to the Dean of Students, or designee, and the Dean of Students, or designee determines that the Student's behavior poses an immediate risk of substantial disruption to the educational and other activities of the University or an immediate risk to the health and safety of others or to the Student, the Dean of Students, or designee may require an immediate Interim Emergency Leave pending completion of the Involuntary Medical Leave process.

The Dean of Students, or designee will make an effort to meet with the Student before requiring Interim Emergency Leave pending evaluation for Involuntary Medical Leave. The Dean of Students, or designee will provide the Student written notice of Interim Emergency Leave, although such notice may, when necessary, be provided after verbal notice of required Interim Emergency Leave.

The Dean of Students, or designee may restrict the Student's access to any or all of the University's programs, services and facilities, pending a final decision concerning Involuntary Medical Leave, including academic programs, Student Housing and other nonacademic activities. Any such restrictions will be in the written notice.

#### **B. Appeal of Interim Emergency Leave**

If the process to determine whether to require Involuntary Medical Leave is not completed within three business days following imposition of Interim Emergency Leave, a

Student may appeal the University's decision to require Interim Emergency Leave by writing to the Senior Vice President for Student Affairs. The Senior Vice President of Student Affairs may take any steps deemed appropriate to decide the appeal and will issue a decision to the Student in writing within three business days following the Senior Vice President's receipt of the appeal.

### **Confidentiality**

The University will comply with laws and University policies concerning the confidentiality of information related to this policy.