

EVCC6900P: STUDENT MEDICAL LEAVE OF ABSENCE PROCEDURE

Original Date: June 19, 2018

Policy Contact: Executive Vice President of Instruction and Student Services

VOLUNTARY LEAVE OF ABSENCE PROCEDURE

A student who decides to withdraw from the college for health/medical reasons shall follow the college registrar's general procedures for withdrawal or petition for exception to registration, as appropriate. A student who chooses to exercise this option may return to college as early as the next scheduled quarter.

INVOLUNTARY LEAVE OF ABSENCE PROCEDURE

Although a voluntary leave of absence is preferable, the executive vice president of instruction and student services, or designee, (hereinafter collectively referred to as the "dean") may require a student to take a medical leave of absence if a student has a physical illness or a mental, emotional or psychological condition and as a result of the condition:

- a. Is engaging in, or is threatening to engage in, behavior that poses a danger of causing substantial harm to the health, safety or welfare of the student or others; or
- b. The student's behavior has resulted in harm to the health, safety, or welfare of the student, or others and the behavior continues, or there is a risk the behavior will continue, posing a danger of causing substantial harm to the health, safety, or welfare of the student or others; or
- c. The student's behavior has resulted in disruption of the teaching, learning or administrative activities of other members of the campus community and the behavior continues, or there is a risk the behavior will continue, with the likely result of such behavior substantially impeding the education processes or proper activities or functions of the college and its personnel.

When the dean is made aware that a health/medical emergency or condition renders a student's continued participation in college academics, programs, or services impossible, impractical or unsafe to the student or any member of the college community, the dean shall:

1. Review and consider appropriate recommendations and any applicable supporting documentation before rendering a decision. This may include recommendations, consultations, and documentation of the following, as applicable: the student's recent treating health care professional(s) (if available and with necessary permissions); the behavioral intervention team, counseling services, the student (if available); and, when necessary and in accordance with college policy and appropriate laws, the student's parent or guardian. The dean may require the student to submit to one or more evaluations by health care providers or other evaluators, including but, not limited to physical examination, psychiatric examination, and/or drug testing, as approved by the dean. The dean may require the student to authorize health care providers, other evaluators and any other appropriate source to provide records and reports or confer with the dean. The dean may also consult other applicable resources as appropriate.
2. Prior to the dean requiring a student to take a medical leave of absence, the student shall be provided an opportunity to present information about the student's circumstances, where reasonably possible, to the dean. A student waives their opportunity to provide information if the student is unwilling or unable to meet with the dean in a timely manner.
3. As part of the assessment process, alternatives to a required medical leave of absence shall be considered. Such alternatives may include, but are not limited to, voluntary withdrawal, reasonable accommodations to any known disabilities, or behavioral contracts.
4. The dean shall issue notice of the required medical leave of absence in writing to the student. The written notice shall include the effective date of the leave, the reasons for requiring the leave, the conditions for reenrollment, and any restrictions imposed on the student's access to the campus or college-sponsored activities. Such conditions may include, but are not limited to: counseling, treatment, monitoring, re-evaluation, education, training, recommendation by the review board or such other requirements as the dean considers appropriate.

5. The involuntary medical leave of absence shall be effective ten (10) days after it is served on the student, unless the student files a timely written appeal of the dean's decision as set forth in these rules. Service of the dean's decision shall be complete upon deposit in the United States mail to the student, postage paid and properly addressed to the student at the last known address on file with the registrar's office, or by personal service on the student, or by email to the student's college assigned email address.

APPEAL PROCEDURE

A student may appeal the dean's decision imposing a medical leave of absence to the medical leave of absence review board (review board). The appeal must be submitted in writing to the Executive Vice President of Instruction and Student Services within ten (10) days of service of the dean's decision.

1. Upon receipt of a timely appeal by a student on the dean's decision imposing a medical leave of absence, the Executive Vice President of Instruction and Student Services (hereinafter collectively referred to as the "executive vice president") shall convene the review board to hear the appeal. The review board may:
 - a. Affirm the dean's decision;
 - b. Affirm the dean's decision but alter the disposition from imposition of a required medical leave of absence to conditional enrollment under specified directives; or
 - c. Reverse the dean's decision allowing the student to remain enrolled without restrictions.
2. The review board's decision shall be in writing and served on the student ten (10) business days after the hearing. Service of the decision shall be effective upon deposit in the United States mail to the student, postage paid and properly addressed to the student at the last known address on file with the registrar's office, or by personal service on the student, or by email to the student's college assigned email address.
3. The review board's decision is final.
4. The review board shall be composed of at least three members drawn from a pool of academic deans and staff members not reporting to the dean who have been identified by the president. The president shall select one of the members to act as the chair at the hearing.
5. The executive vice president shall notify the student in writing of the time, date, and location of the hearing.
6. The review board shall conduct the hearing according to the **Administrative Procedure Act, chapter 34.05 RCW**.
7. The chair of the review board may order the hearing closed to public observation as necessary to protect from disclosure medical or educational records held to be confidential under state or federal law.

EMERGENCY MEDICAL LEAVE OF ABSENCE PROCEDURE

1. The dean may immediately require a student to take an emergency leave of absence if the student has a medical, or mental, emotional or psychological condition and as a result of the condition:
 - a. The student is engaging in, or threatening to engage in, behavior that poses a significant danger of causing imminent and substantial harm to the health, safety, or welfare of the student, or others; or
 - b. The student's behavior has resulted in substantial harm to the health, safety, or welfare of the student, or others and the behavior continues, or there is a risk the behavior will continue, posing a significant danger of causing imminent and substantial harm to the health, safety, or welfare of the student, or others; or
 - c. The student's behavior has resulted in significant disruption of the teaching, learning, or administrative activities of other members of the campus community and the behavior continues, or there is a risk the behavior will continue, with the likely result of such behavior imminently and substantially impeding the education processes or proper activities or functions of the college and its personnel.
2. A decision by the dean requiring a student to take an emergency medical leave of absence shall be in writing and served on the student. The decision shall set forth the reasons for requiring the leave, and as appropriate, any restrictions imposed on the student's access to the campus or college-sponsored activities. Service on the decision shall be effective upon deposit in the United States mail to the student, postage paid and properly addressed to the student at the last known address on file with the registrar's office, or by personal service on the student, or by email to the student's college assigned email address.

3. A student subject to an emergency medical leave of absence shall be provided a hearing before the executive vice president to appeal the dean's decision. The hearing shall occur within five (5) business days of the student being served with the dean's decision imposing the emergency medical leave of absence unless a student elects to waive their right to a hearing. Except as otherwise provided herein, the process for conducting the hearing before the vice president shall be as per the **Administrative Procedure Act, chapter 34.05 RCW**.
4. An emergency medical leave of absence shall take effect immediately and remain in effect until the review board's decision is issued regarding an appeal of a required medical leave of absence, unless the dean decides that the reasons for the emergency medical leave of absence no longer exist.

RETURNING AFTER MEDICAL LEAVE OF ABSENCE

1. A student wishing to be considered for reenrollment to the college shall submit a petition for reenrollment to the dean at least one (1) month prior to the start of the quarter in which the student wishes to reenroll. The student shall provide appropriate documentation and related evidence to demonstrate that the student has complied with the conditions imposed for the student's return and that the student is otherwise qualified to participate safely and effectively in the educational environment(s). If a student filed an appeal of the dean's decision, and the conditions for reenrollment were modified by the review board, the student shall provide evidence that the conditions set forth in the review board's order have been met. A student must also meet all other admission or enrollment requirements of the college for reenrollment.
2. The dean shall consult with the Behavioral Intervention Team (BIT) and Counseling Services prior to determining if the student may reenroll.
3. The dean shall notify the student in writing of the decision and the conditions associated with the approval or denial for reenrollment.

RELEVANT LAWS AND OTHER RELATED INFORMATION

[ADA](#)
[Individuals with Disabilities Education Act](#)
20 U.S.C 1400 et seq.,
[American Psychiatric Assn, Practice Guideline for Assessment and Treatment of Patients with Suicidal Behaviors \(2003\)](#)
[Cf.](#)
[Health Insurance Portability and Accountability Act \(HIPAA\)](#)
42 U.S.C. 201 et seq., 45 C.F.R. 164.512(j), 45 C.F.R. 164.512(f)
[Family Educational Rights and Privacy Act \(FERPA\)](#)
20 U.S.C. 1232g(b)(1)(I), 34 C.F.R. 99.36
[USDOE OCR Case No. 02-14-2084 University of Rochester](#)
[USDOE OCR Case No. 02-12-2155 Princeton University](#)
[USDOE OCR Case No. 02-10-2181 Purchase College, State University of New York](#)
[Resolution Agreement between DOJ and University of Tennessee](#)
[Rutgers University Student Involuntary Leave of Absence and Involuntary Withdrawal Policy](#)
[WAC 174-125-010](#)
[WAC 174-125-015](#)
[WAC 174-125-020](#)
[WAC 174-125-025](#)
[WAC 174-125-030](#)

REVISION HISTORY

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APPROVED BY

Board of Trustees