



Policy Name:	Involuntary Medical Leave of Absence		
Associated Form(s):	N/A	Policy Number:	15-2016
Reviewed:	Non-Academic Policy Review Council	Approved:	12/12/16
Approval Authority:	President <i>Tim Hall</i>	Adopted:	<i>11/22/17</i>
Responsible Executive(s):	1) Vice President for Student Affairs 2) Vice President for Enrollment Services	Revised:	From 12/23/16 version
Responsible Office(s):	1) Office of the Dean of Students; and 2) Office of Enrollment Services	Contact(s):	1) Dean of Students; and 2) Assistant Director of Enrollment Services

Mercy College is committed to the academic success and personal growth of its students. As part of that commitment, Mercy is dedicated to providing a safe learning and working environment for students, faculty, staff and other members of the College community. On occasion, a student may experience a medical situation that significantly limits her or his ability to function successfully or safely as a student, or the student is so severely disruptive as to interfere with the academic pursuits and other activities of the College community. In such situations, the safety and security of the campus community, including the individual student, is paramount and the College will take appropriate action in accordance with this Policy. This Policy does not, however, replace or supersede reasonable and appropriate security and health and safety measures, such as calling 911 or taking other immediate action in case of imminent threat to life or limb.

In addition to taking action to protect the security and safety of the campus community, the College may address the student's conduct to determine if action under this Policy or under the Student Judicial Process is appropriate.

II. Policy

The College is committed to ensuring that students with mental health and other disabilities are treated with dignity, and are not excluded from participation in, or denied the benefits of, all College services, programs, or activities, or subjected to discrimination on the basis of his or her disability. Nonetheless, in cases where a student poses a direct threat to the health and safety of others or disrupts the learning or working environment of the College, the College may request that the student take a voluntary leave of absence. If the student does not wish to take a voluntary leave, the College may place such a student on an involuntary medical leave of absence under the circumstances set forth below.

- A. Except in emergency circumstances, the College's Concern-Assessment-Response Team ("CARE Team") shall conduct an individualized assessment of the student to determine whether involuntary removal is necessary under the circumstances. The CARE Team will give careful consideration to the 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 College. The student will be required to provide a written release in order for the College to speak with the student's treating medical or mental health physician(s) and/or to review any relevant records. Failure to provide a release may result in immediate removal from campus.

As part of the individualized assessment process, the College will:

- (i) encourage the student to provide any other additional information that the student believes is relevant to the determination; and
- (ii) respect the student's confidentiality, and only require the student to provide a medical release for access to the student's medical and/or mental health records as reasonably necessary to complete its individualized assessment.

- B. Based on that individualized assessment, the College will determine whether, and what, reasonable accommodations can be made that would be effective to allow such student to continue to be present on campus while seeking treatment for, or recovering from, any related medical or mental health conditions.
- C. In the event that the College also considers whether the student poses a threat to the health or safety of others, the College will make an individualized assessment based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.
- D. The College will require an involuntary medical leave of absence for a student only if:
 - (i) after the individualized assessment and careful review and consideration, the College concludes that the student's continued participation in its educational programs would require accommodations that would be unreasonable or would fundamentally alter the nature of those programs;
 - (ii) the student rejects all reasonable accommodations offered by the College and the student cannot meet the College's essential eligibility requirements to participate in its educational programs; or
 - (iii) even with the provision of all of the reasonable accommodations offered by the College, the student cannot meet the College's essential eligibility requirements.
- E. If the BIT Team determines that an involuntary leave of absence is necessary, it will advise the student in writing via official Mercy College email of the leave and duration, any restrictions from coming on campus, and available appeals procedures. The College shall document the decision as well as the underlying facts, assessments and determinations.
- F. In the event of a voluntary or involuntary leave, the student and BIT Team shall work with the Office of the Vice President for Enrollment Services with regard to determining the registration status of the student, and whether the student should apply for an Exception to the Registration and Refund Policies.

III. Disciplinary Action

Nothing in this Policy precludes the College from bringing a separate action for the underlying behavior of the student pursuant to the Student Judicial Process, irrespective of whether voluntary or involuntary removal takes place.

IV. Interim Removal

If a student's behavior presents an immediate and severe threat to the health or safety of anyone on campus, or is substantially disrupting the learning or working environment of others, the Vice President for Student Affairs or designee (if such Officer is not immediately available) may direct an emergency interim removal of the student that restricts the student's access to the College's campus or residence hall, as appropriate, for an interim period before a final determination of the matter by the CARE Team. The Vice President for Student Affairs or designee shall consult with the College's General Counsel prior to making any such direction.

V. Appeals

An appeal from the decision of the CARE Team may be made to the Vice President for Student Affairs within thirty (30) calendar days after the delivery of the decision appealed from, who shall make his or her determination on the appeal within fifteen (15) business days from receipt of the appeal. The bases for overturning a decision of the CARE Team are limited to the following: (i) clearly erroneous factual findings; (ii) procedural irregularities; (iii) newly available evidence that would have affected the outcome; and/or (iv) the remedy and/or conditions on re-entry were unreasonable or inappropriate.

An appeal from the decision for Interim Removal may be made to the Vice President for Enrollment Services within five (5) calendar days from the date of removal. The Vice President for Enrollment Services shall make his or her determination within five (5) days from receipt of the appeal and communicate the decision to the student in writing via official Mercy College email address.

VI. Return from Leave of Absence

A student placed on voluntary or involuntary medical leave of absence may request to return/reapply to the College and may be required by the CARE Team, as part of an individualized evaluation, to provide evidence that the student is ready to resume studies and academic responsibilities. Such evidence may include, for instance, documentation of attempts to resolve issues that led to the leave, release of academic records to inform the treating physician, release of treatment records, consultation with or clearance from the College Health Office or Mental Health Counseling, consultation with the CARE Team to determine if reasonable accommodations are available, as well as a demonstrated ability to safely handle the stresses that may arise from an intense, complex, and fast paced advanced course of study at Mercy. All returning/reapplying students must meet the essential eligibility requirements and technical standards of the College.