



MEMORANDUM

April 16, 2024

TO: Members of the Board of Trustees

FROM: Dr. John B. King, Jr., Chancellor

SUBJECT: Involuntary Leave of Absence Policy

Action Requested

Approval of the Involuntary Leave of Absence Policy for the 29 State-operated Campuses of the SUNY System. The proposed resolution also encourages the boards of trustees of the 30 community colleges operating under the program of the State University of New York and the boards of trustees of the statutory colleges at Cornell University and Alfred Ceramics, to take similar action.

Resolution

I recommend that the Board of Trustees adopt the following resolution:

Whereas SUNY is committed to ensuring a transparent process when an institution must resort to taking action to place a student on an involuntary leave of absence; and

Whereas SUNY System Administration has undertaken comprehensive efforts over the past year and a half to develop an Involuntary Leave of Absence policy to guide the State-operated campuses in providing a clear process for students, administrators and faculty alike when situations arise that may require an involuntary leave, and

Whereas the comprehensive efforts undertaken to develop the Involuntary Leave of Absence Policy included: (i) research regarding national best practices across institutions of higher education in the country; (ii) research on appropriate legal standards and compliance requirements; and (iii) a working group at System Administration to address potential issues; and (iv) multiple rounds of sharing of the draft

Involuntary Leave of Absence Policy and the solicitation of comments and feedback from all State-operated campus presidents and appropriate constituencies, and incorporation of such feedback; and

Whereas this Involuntary Leave of Absence Policy furthers SUNY's commitment to institute best practices in usage of a policy of last resort for State-operated campuses; and

Whereas the Board strongly encourages the SUNY Community Colleges and Statutory Colleges to adopt a similar policy into their own local policies; now, therefore, be it

Resolved that the attached Involuntary Leave of Absence Policy be, and hereby is, adopted; and be it further

Resolved that the adoption of this policy revokes and supercedes all State-Operated Campus's local policies regarding involuntary leaves of absence and/or withdrawals for students; and be it further

Resolved that the Chancellor, or designee, is authorized to set forth timelines for implementation of the provisions of the Involuntary Leave of Absence Policy, which shall occur no later than the start of Academic Year 2024-2025; and, be it further

Resolved that the Chancellor, or designee, in consultation with the Board of Trustees, is authorized to amend the Involuntary Leave of Absence Policy from time to time as is necessary to address campus needs and incorporate emerging best practices; and, be it further

Resolved that the Community Colleges and Statutory Colleges operating under the program of the State University of New York are strongly encouraged to adopt similar protections and provisions of the Involuntary Leave of Absence Policy and incorporate them into their own local policies relating to leaves for students.

Background

This policy provides clear information on process for when an institution considers this type of leave and requires that campuses ensure that there is appropriate due process throughout the initial determination and appeal stages.

Following highly publicized lawsuits at other institutions of higher education across the country relating to improper use of involuntary leaves of absence, SUNY System Administration undertook a comprehensive review of legal compliance requirements and best practices in this area, and also solicited input and feedback from a broad range of campus constituencies. This Involuntary Leave of Absence Policy

incorporates those best practices and appropriate legal standards, and reinforces the Board's commitment to assist institutions in working with students who may need additional time away from the campus environment when situations occur that pose a risk to another member of the campus community, the student's own safety, and/or cause a severe disruption to the campus' environment.



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| <p>Category: Student Affairs</p> <p>Responsible Office: University Life</p> | <p>Policy Title: Involuntary Leave of Absence for Students Policy</p> <p>Document Number: XXXX</p> <p>Effective Date: August 1, 2024</p> <p>This policy item applies to: State-Operated Campuses</p> |
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Summary

This policy provides parameters surrounding involuntary leaves of absence for students. This policy is intended to update SUNY's procedures to support students and campus safety in alignment with the latest U.S. Department of Education's Office for Civil Rights (OCR) and U.S. Department of Justice (DOJ) standards.

Policy

I. Campus Obligations

All State-Operated Campuses will be required to adopt this policy and prominently display it on their individual campus websites. All State-Operated Campuses will also be required to ensure that this is displayed with all other leaves on their websites and provide any links to local policies that may be implicated by taking a leave of absence.

The President must designate an appropriate official or a group of appropriate officials who may evaluate situations that arise under this policy. Some examples of appropriate individuals include but are not limited to the Vice President of Student Affairs, Dean of Students, and Provost.

II. Involuntary Leave of Absence

Requiring a student to take a leave of absence is rare and only happens when current medical knowledge and/or the best available objective evidence indicates to the President's designee(s) at the specific College or University that there is a significant risk to the student's health or safety, or the health or safety of others in the Campus community, or the student's behavior severely disrupts the College or University environment, where no reasonable accommodations can adequately reduce that risk or disruption.

Consistent with SUNY's [Nondiscrimination Policy](#), SUNY prohibits unlawful discrimination on the basis of any type of disability or any other characteristic protected by applicable Federal and/or State law in the administration of SUNY's programs and activities.

SUNY institutions offer a range of resources, support services, and accommodations to address the physical and mental health needs of students. However, on rare occasions, a student's needs may require a level of care that exceeds the care that the institution can appropriately provide. Where current knowledge about the individual's medical condition and/or the best available objective evidence indicates that a student poses a significant risk to their own safety not based on mere speculation, stereotypes, or generalizations, or the health and safety of others in the Campus community, or where a student's behavior severely disrupts the College or University environment and the student does not take a voluntary leave of absence, the President's designee(s) has the authority to place a student on an involuntary leave of absence, after appropriate procedural due process has occurred according to this policy.

Before placing any student on an involuntary leave of absence, the institution will conduct an individualized assessment, consulting with the appropriate Campus Office for Disability or Accessibility Services to determine if there are reasonable accommodations that would permit the student to continue to participate in the College or University environment without taking a leave of absence.

The President's designee(s) may be notified about a student who may meet the criteria for an involuntary leave of absence from a variety of sources, including, but not limited to, the student, the student's academic advisor, Residential Life staff, an academic department, or a member of the College's or University's behavioral intervention team. If the President's designee(s) deems it appropriate, the procedures under this policy can be initiated.

III. Process for Placing a Student on an Involuntary Leave of Absence

1. The President's designee(s) at the Campus will consult with the appropriate office that provides disability or accessibility services at the Campus prior to making a decision to impose an involuntary leave of absence.
2. The President's designee(s) will issue a notice to the student in writing that an involuntary leave of absence is under consideration. The written notice will include the reason(s) why the student is being considered for an involuntary leave of absence, contact information for the appropriate office that provides disability or accessibility services on Campus to students which can provide information about potential accommodations, and a copy of this policy. Campuses must

provide clear information about their Campus-level disability or accessibility services office, including location of office, whom to contact, services provided, information about how to request reasonable accommodations and supports, and any other pertinent information the campus deems necessary. The notice will also provide contact information (including the name and position) for a neutral or impartial advisor outside of the decision-making process under this policy (the “Advisor”), with knowledge of the Campus’s involuntary leave of absence process who will serve as a resource to answer any student questions about the process from referral to return to the Campus. The Advisor will work with the student throughout the involuntary leave of absence process and any appeals. The Advisor shall be copied on all notices to the student after the student provides consent to have the Advisor as part of their process. In the written notice, the student will be encouraged to respond, and to contact the Advisor before a decision regarding an involuntary leave of absence is made and will be given a specified time period within which to do so. A Campus may train one or more employees to serve as an Advisor for when this policy is initiated. If a student utilizes an Advisor as part of this process, the Advisor cannot speak for the student and all administrative procedural rules apply. The student is responsible for self-advocacy and consults with the Advisor.

3. To the extent required by applicable law, the President’s designee(s) must consider potential reasonable accommodations and/or modifications that could eliminate the necessity for an involuntary leave of absence. These may include, without limitation, a voluntary leave of absence and/or academic/housing/dining accommodation(s). The Campus must document all such considerations, accommodations, and related decisions.

4. The student may be asked to execute an Exchange of Confidential Information Consent Form providing certain Campus personnel with temporary authority to obtain information from the student’s health care provider(s) regarding issues relevant and appropriate to the consideration of an involuntary leave of absence when there is a need for the Campus to have access to that information as part of the interactive process and individualized assessment. Any direct communication with a student’s medical provider shall be done through the appropriate medical office on Campus, which will relay that information to the designee(s) responsible for assessing all information regarding a potential involuntary leave of absence. Access to these records, if the Campus is given authority, shall be limited to personnel directly involved in the deliberation and decision-making process under this policy. Campuses shall establish procedures for the secure storage of this confidential health information that is received at any point in the leave and return processes. If a student refuses to execute this document or to respond within the timeframe set by the President’s designee(s), the President’s designee(s) may

proceed with assessment based on the information in the President's designee's possession at that time.

5. The President's designee(s) may also confer, as feasible and when appropriate depending upon the matter, with individuals regarding the need for an involuntary leave of absence. Each case may vary, but conferring individuals can include:
 - Representatives from Residence Life;
 - Faculty members;
 - Academic advisors;
 - Department head for programs that lead to professional licensure, as appropriate;
 - Representatives from the Campus's Health Center (with appropriate authorization for any providers who have provided services to the student);
 - The student's treatment provider(s) or other health care professionals (with appropriate authorization for any providers who have provided services to the student);
 - Representatives from the Campus's Psychological Counseling Center or equivalent office (with appropriate authorization for any providers who have provided services to the student);
 - Member(s) of the Campus's behavioral intervention team or equivalent team that serves the function of assessing and monitoring students of concern; and/or
 - Other individuals who may be appropriate in an individual matter.

6. When evaluating whether an involuntary leave of absence is appropriate, the Campus will consider specific criteria, such as:
 - Whether current knowledge about the individual's medical condition and/or the best available objective evidence indicates that a student poses a significant risk to the health or safety of a member of the Campus community;
 - Whether a student is unable or unwilling to carry out substantial self-care obligations and poses a significant risk to their own safety, not based on mere speculation, stereotypes, or generalizations; and/or
 - Whether a student's behavior severely disrupts the Campus environment.

The individualized assessment for each factor, based on reasonable judgment that relies on current medical knowledge to the extent that information is available, or the best available objective evidence, should capture:

- the nature, duration, and severity of the risk or disruption;
 - the probability that the risk or disruption will actually occur; and
 - whether reasonable modifications of policies, practices, or procedures will appropriately mitigate risk or disruption, thereby eliminating the need for an involuntary leave of absence.
7. The President's designee(s) for the Campus will give significant weight to the opinion of the student's treatment provider(s) identified by the student (with appropriate authorization) regarding the student's ability to function academically and safely at the campus with or without reasonable accommodations. If the President's designee(s) determines that the information provided by the treatment provider(s) is incomplete, requires further explanation or clarification, or is inconsistent with the other information in the student's record, the President's designee(s) for the Campus (with appropriate authorization) may contact the treatment provider(s) to obtain additional information. In certain circumstances, the Campus may request the student to undergo an additional evaluation by an independent and objective professional designated by the Campus, if the President's designee(s) believes it will facilitate a more informed decision. The Campus should appropriately document the reasoning for such a decision, if warranted.
 8. Following the President's designee(s)' consultations and review of the relevant documentation and information available, the President's designee(s) shall make a decision regarding whether the student should be placed on an involuntary leave of absence, and shall provide written notice of the decision to the student. This written notice of decision shall include information about the student's right to appeal the decision and information about reasonable accommodations available during the appeal process. The review and notice of decision shall be performed in a reasonable and timely manner.
 9. In emergency situations involving an imminent threat of harm to the student or any other member of the Campus community, the President's designee(s), in the exercise of his or her reasonable judgment, may require a student to be immediately prohibited from entering the campus or facilities utilized for Campus programs or activities while such individualized assessment and review under this policy is taking place. Such students shall receive written notice to this effect as quickly as possible and/or practicable. While this individualized assessment and review is being conducted, every effort shall be made by the President's designee(s) to reach a decision within seven (7) calendar days, provided that the student responds in a timely manner to requests for information, and if appropriate, evaluation. If there are delays, the Campus shall document the reason for such delays in writing.

IV. Decisions on Involuntary Leaves of Absence

1. ***If an Involuntary Leave of Absence is Imposed:*** The written notice of any decision concerning the student shall set forth the basis for the decision; a timeframe for when the student must leave the Campus; the student's right to appeal the decision; and information about reasonable accommodations available during the appeal process. This notice shall also set forth when the student may be eligible to return to the Campus and the conditions and/or requirements the student will need to satisfy to be eligible for return. This written notice shall also inform the student of their right to reasonable accommodations in the return process and will provide contact information for the appropriate office at the Campus that provides disability or accessibility services for students requiring reasonable accommodations. The length of the student's leave will be determined on an individualized basis. The student's Advisor shall be copied on all notices concerning all decisions related to the student if the student so designates and consents.
2. ***If An Involuntary Leave of Absence is Not Imposed:*** The President's designee(s) may impose conditions and/or requirements under which the student is allowed to remain at the Campus using the least restrictive appropriate means possible.

V. Appeals

1. Within seven (7) calendar days of receiving the written notice of a decision from the President's designee(s) at the Campus, the student may submit an appeal of the decision in writing to the appropriate President's designee(s) for appeals under this policy. The appeal shall be heard by a three (3) person Board of Appeals. The decisionmaker who imposes an involuntary leave of absence shall not hear appeals or render decisions on appeals. The individuals chosen to oversee appeals cannot have been involved in the original decision-making process. The written request for appeal must specify the particular substantive and/or procedural basis for the appeal, and must be made on grounds other than general dissatisfaction with the decision of the President's designee(s). While the appeal is pending and being heard by the Board of Appeals, the original decision will remain in place. All appeals decisions will be issued within seven (7) calendar days of submission.
2. The criteria for appeal will be limited to the following:
 - ***Disproportionate Findings or New Information:*** if there is any information not previously considered that would allow the student to remain with a reasonable accommodation or if there is any new information not previously available to the student that may change the outcome of the decision-making process;

- **Procedural irregularities:** if there were any procedural irregularities that materially affected the outcome of the matter to the detriment of the student who appealed the decision.
3. After reviewing the matter fully, the Board of Appeals will issue a written decision affirming, modifying, or reversing the decision to place the student on an involuntary leave of absence. The Board of Appeals' decision shall be final, and no other appeals or grievance procedures are available at the Campus level.

VI. Implications of an Involuntary Leave of Absence

1. **Student status:** Students on a leave of absence generally retain their admitted student status during the period of the student's leave based on the Campus's local enrollment policies; however, they are not registered and therefore, do not have the rights and privileges of registered students. Note: a Campus may have a local policy regarding how many consecutive semesters a student may be allowed to be away from the Campus without enrolling in coursework. A Campus also has discretion to set the minimum period of time that a student may not enroll in coursework, which includes online, arranged classes, and internships.
2. **Housing:** Consistent with the Campus policies and procedures, students assigned to a Campus residence are subject to the terms and conditions of the Housing License at their Campus. Students who leave the Campus before the end of a term may be eligible to receive refunds of portions of their housing charges, per SUNY Policy. Campuses shall identify on their website where eligibility criteria are for housing refunds for students in accordance with Campus policy.
3. **Effective date(s) of leave:** A student must leave the Campus within the timeframe set forth by the President's designee(s) or Board of Appeals, as applicable, in the decision to impose an involuntary leave of absence. The leave will remain in effect until:
 - The President's designee(s) has determined after an individualized assessment the parameters of which shall be set forth in the written decision of the President's designee(s) or the Board of Appeals, as applicable, that the student is able to return to the campus with or without reasonable accommodations, and
 - The student has complied with any Campus requirements applicable to all students returning from a leave and all conditions mandated by the President's designee(s) or Board of Appeals, as applicable.

The Campus must clearly and prominently display the requirements applicable to all students returning from a leave on the same page as this policy.

Students are not permitted to return mid-semester if placed on a leave of absence. Campuses shall clearly identify and state deadlines for all requests to return, which will align with the start of each academic term per year. This includes short, sprint, and late start sessions within the semester. This also includes online, arranged classes, and internships.

4. **Notification:** At any time while the student is on leave, the President's designee(s) may notify a student's parent, guardian, emergency contact, or other individual, consistent with the law, if notification is deemed appropriate under the circumstances.
5. **Association with the Campus while on leave:** Unless expressly permitted by the President's designee(s) in writing, or Board of Appeals, as applicable, students on an involuntary leave of absence are not permitted to be present at the Campus and are not permitted to engage in any Campus-related activities, including on-Campus and/or remote employment opportunities.
6. **Coursework taken while on leave:** Consistent with the Campus's policies and procedures, academic credit for work done elsewhere may be allowed toward a Campus degree. However, students must consult with the Registrar's Office or other appropriate office that handles leaves of absence and their academic department prior to taking any coursework while on an involuntary leave of absence. Campuses shall designate the office that students should consult when taking coursework at another institution while on leave.
7. **Access to Student Accounts while on leave:** Unless expressly prohibited in writing by the President's designee(s), students on leave generally may retain their student ID privileges, which will be explicitly defined per Campus policy, including their Campus email account.
8. **Tuition and Fees:** Consistent with SUNY's and the Campus's local policies and procedures, students who leave the Campus before the end of a term may be eligible to receive refunds of portions of their tuition. See the [SUNY Tuition Refunds Policy](#) for a schedule of refunds.
9. **Financial Aid:** Campuses shall provide information on any effect an involuntary leave of absence decision may have on that student's financial aid.
10. **Meal Plan:** Campuses shall provide information on what refunds may be available on meal plans within the context of this policy.

11. **Visa Status:** International students (F-1 and J-1 Visa holders) placed on an involuntary leave of absence must speak with the appropriate person at the Campus who works with international students regarding their Visa status and the effect an involuntary leave of absence may have on that status.

VII. Request for Return

1. In addition to the general requirements all students must meet when returning to the Campus after a leave of absence, as well as any conditions imposed by the President's designee(s) or Board of Appeals, as applicable, for return from an involuntary leave of absence as outlined in the decision, students seeking to return from an involuntary leave of absence imposed for reasons of personal or community health and safety may be required to submit additional documentation related to the factors set forth in Section III.6 as part of an individualized assessment. The appropriate Campus office for disability or accessibility services will work with students to provide reasonable accommodations in the return process as appropriate.
2. A student must make a written request to the President's designee(s) to return to the Campus. Generally, a student shall not be allowed to return until one full semester has elapsed or until the leave period in the involuntary leave of absence notification has elapsed, and all conditions and/or requirements have been met.
3. The President's designee(s) may require the student to provide evidence that the student, with or without reasonable accommodations, has sufficiently addressed the issues that previously established the criteria for imposing an involuntary leave of absence as set forth in Section III.6, above. The President's designee(s) may also ask, confer with, or seek information from others to assist in making this determination. The information sought may include:
 - At the student's discretion, documentation of efforts by the student to address the issues that led to the leave;
 - Release of academic records to inform treating clinicians (with appropriate authorization);
 - Release of treatment information to the extent necessary to determine if the student has sufficiently reduced the risk or disruption that led to the leave (with appropriate authorization);
 - Consultation with the Campus's student health center and/or psychological counseling center to the extent necessary to determine if the student has sufficiently reduced the risk or disruption that led to the leave (with appropriate authorization); and/or
 - Consultation with the Campus's office for disability or accessibility services.

4. All returning students must meet the essential eligibility requirements and any technical standards of the Campus and, if applicable, the relevant school or department, with or without reasonable accommodations. If the President's designee(s) determines that the student is ready to return to the Campus, the student will be notified in writing of the decision, including the reason for the decision, within a reasonable time after the student has submitted a request for return and required documentation per this policy.
5. A student not permitted to return may appeal the decision to the Board of Appeals under this policy, following the procedures in Section V.
6. Based on the Campus's enrollment policies, a student may be disenrolled after a certain period of inactivity. All campuses must ensure that this information is clearly articulated on their website.

VIII. Scope of the Policy and Relationship to Other College Policies

A leave of absence is an administrative process; it is not a disciplinary process.

This policy is not intended to be punitive and does not take the place of disciplinary actions that are in response to violations of the Campus's Student Code of Conduct, or other policies and directives, nor does it preclude the removal or dismissal of students from the Campus or Campus-related programs as a result of violations of other Campus policies or school or department protocols.

This policy does not limit the Campus's ability to place enrollment holds on students for reasons beyond the scope of this policy.

This policy does not relieve a student of any financial obligations to the Campus that were incurred prior to the time the involuntary leave of absence was imposed. Campuses are required to notify students if there might be an affect on the student's financial aid, including returning aid, outstanding balances, potential affects on future aid, and any affects on the New York State Tuition Assistance Program (TAP), the Excelsior Scholarship Program, and any other scholarship, if applicable.

Nothing in this policy limits the power of the Campus to take administrative action to ensure the safety of the Campus community in accordance with all appropriate laws and policies.

Nothing in this policy prevents the Campus from engaging in a temporary suspension under its policies if necessary under the circumstances. Any such cases shall be appropriately reviewed per Campus policy.

All Campuses are required to abide by the Family Educational Rights and Privacy Act (FERPA) and comply with its requirements regarding student privacy.

Nothing in this policy prevents the Campus from following the Rules of Maintenance of Public Order, as necessary.

IX. Requests for Reasonable Accommodations

SUNY is committed to providing equal access to all participants in Campus processes, including students with disabilities. Students with disabilities should contact the appropriate office at their Campus to request accommodations, and campuses shall prominently display this information on their website with this policy.

Definitions

There are no definitions relevant to this policy.

Other Related Information

[SUNY Policy Doc. No. 6502, Equal Opportunity: Access, Employment and Fair Treatment in the State University of New York](#)

Related Procedures

SUNY Procedure Doc. No. 6501, [Discrimination and Sexual Harassment Complaint Procedure](#)

Forms

There are no forms relevant to this policy.

Authority

The following links to FindLaw's [New York State Laws](#) are provided for users' convenience; it is not the official site for the State of New York laws.

[NYS Education Law § 355\(2\)\(h\)](#) (Authority of the SUNY Board of Trustees to regulate the operation and administration of State-operated SUNY campuses).

In case of questions, readers are advised to refer to the New York State Legislature site for the menu of [New York State Consolidated](#).

[Title II of the Americans with Disabilities Act of 1990 \(42 U.S.C. 12131 et. Seq.\)](#)

Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794.

[New York State Executive Law Section 291.](#)

[New York State Executive Law Section 292.](#)

History

State University of New York Board of Trustees Resolution 2X-XX adopted April XX, 2024.

Appendices

There are no appendices relevant to this policy.