

## Administrative Medical Leave of Absence

### Purpose

The purpose of this policy is to describe the University's ability to initiate a student's involuntary withdrawal from the University for certain extraordinary physical or mental health reasons. As a rule, the policies and procedures stated in the Student Conduct Regulations are the preferred method for addressing student behavior. Still, the University also recognizes in some instances involving underlying medical and mental health issues, the University is in a better position to take more appropriate actions in the best interest of the student and/or the University.

The University may require a student to take a mandatory administrative leave of absence in the event the student has an illness, condition or behavior that poses a direct threat to the health and safety of the student and/or the campus community. This policy attempts to address the difficulties with a humanistic approach by mandating an interim leave of absence and psychological evaluation with due process rather than dealing with the challenging behavior from a strictly disciplinary approach and/or dismissing the student from the University.

### Standards

A student can be placed on mandatory administrative leave of absence from Westfield State University or from the University Residence Halls, if it is determined that the student as the result of an extraordinary physical or mental health situation:

- Poses an imminent danger to self or others;
- Engages in or threatens to engage in directly and substantially impeding the lawful activities of others,
- Causes significant disruption to the academic or University-related activities of others;
- Lacks the capacity to respond to pending disciplinary charges or did not know the nature of wrongfulness of the conduct at the time of the offense; or
- Renders the student unable to live independently in University owned or leased housing or unable to provide their own health and welfare.

These standards do not preclude removal from the University, or residence hall, in accordance with provisions of the residence hall room and board license, or other Westfield State rules and regulations.

The student will be expected to meet with the Dean of Students (or their designee) and will be informed in writing of the administrative leave of absence. During an administrative leave of absence, the student will only be permitted on University

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property when approved, in writing, by the Dean of Students (or designee).

When a student is medically withdrawn from the University, either involuntarily or voluntarily, the student may receive a withdrawal without academic penalty (no failing grades will be assigned) from the current semester. A notation of "W" will be placed on the transcript and the student will only be eligible for refund if they meet the requirements of the normal Withdrawal Refund Policy Schedule as established by the Office of Student Accounts.

## **Administrative Leave of Absence Hearing Procedures**

1. Any student who is subject to an involuntary leave, withdrawal or administrative action shall be accorded a hearing.
2. Any student may waive their rights hereunder, including the student's right to a hearing. The Dean of Students/designee may accept a student's waiver of hearing for the purpose of resolution by agreement to voluntary leave, withdrawal or other action.
3. The hearing shall be informal and shall be conducted in accordance with the following guidelines:
  - a. The student will be informed in writing of the time, date and location of the informal hearing.
  - b. The case file and all other relevant reports and documents (i.e discharge paperwork, personal medical provider recommendations, etc.) will be available for examination by the student in the Dean of Students' Office during normal business hours. The file need not include the personal notes that are not a part of the University's own records. Copies of any documents contained in the file shall be provided, upon his or her request, to the student.
  - c. The informal hearing shall be conversational and non-adversarial. Formal rules of evidence will not apply. The Dean of Students/designee shall exercise active control over the informal hearing. Any person who disrupts the proceedings may be excluded.
  - d. The student shall have the right to be assisted and counseled by a person of his/her choice. This person may be present at the hearing to advise and counsel the student, but may not represent the student in the proceedings; unless the student is physically incapable of speaking on their own behalf.
  - e. The student will be given reasonable time to ask relevant questions of any information provided at the informal hearing, as well as to present relevant information to the Dean of Student/designee.
  - f. The hearing may be conducted in the absence of a student who fails to appear after proper notice.
  - g. The Dean of Students/designee may permit a University official, and the

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health professional who prepared the evaluation, to appear at the hearing and to present evidence in support of any recommendation for involuntary administrative action or withdrawal. This provision may be invoked in factually complicated cases when reliance upon a written evaluation may not be sufficient.

4. The Dean of Students/designee shall render a decision relative to whether the student should or should not have imposed upon them an involuntary administrative action or involuntary withdrawal from the University. The Dean of Students/ designee shall decide that a student should be subject to such action or such withdrawal only upon a determination, based on credible and persuasive information that one or more of the standards listed above been shown to exist.
5. If the Dean of Students/designee decides that the student should be subject to such action or such withdrawal, he or she shall set forth their findings of fact and the reasons on which their decision is based. In the case of an involuntary withdrawal, they shall also state the date after which a request for re-admission will be considered and any conditions that must be fulfilled before any such request will be considered. In most cases, at least one (1) full academic semester must have passed from the time of the withdrawal before the student is eligible to re-enroll and return to campus. The decision of the Dean of Students/designee shall be transmitted to the student.

## **Administrative Leave of Absence Appeal Procedures**

Students may appeal the Dean of Student's/designee's decision by filing an appeal within (5) business days of the date of the decision to the Dean of Students Office. Upon timely receipt of the appeal, the Dean of Students/designee shall submit written statements from the student and the Dean of Students/designee and any other supporting documentation to the appellate body for review. The appellate body shall consist of members of the Student Conduct Board. Within seventy-two (72) hours of receiving the appeal, the appellate body shall issue a written decision to the student in which it will uphold or deny the decision. All appellate decisions are final. Until a final decision has been rendered by the appellate board, the original decision remains in place.

## **Re-Admittance Procedures**

In order to return to the University from an administrative leave of absence, a student may be required to:

1. Meet with the Dean of Students (or designee). The Dean of Students/designee in considering an application for re-admission following such withdrawal, may request documentation from appropriate medical or mental health personnel to substantiate the student's readiness to return to active study at the University.

# Westfield State University

Policy concerning:

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As appropriate, the Dean of Students/designee may provide the student with written conditions (e.g., compliance with medical/mental health treatment recommendations) to be met for continued attendance.

2. Meet with a member of the Counseling staff (if leave was due to a mental health issue).
3. Provide written consent for appropriate consultation among University offices and off-campus providers.
4. Contact Department of Residential Life to discuss on-campus opportunities after approval from the Dean of Students (or designee).

The Dean of Students will inform the student in writing of the approval or denial to return to the University and to return to University housing, if requested.

## **Interpretation of Policy**

Any questions regarding interpretation of this policy shall rest within the authority of the Vice President, Enrollment Management and Student Affairs for final determination. Any reasonable deviation from these procedures as determined by the Vice President, Enrollment Management and Student Affairs will not invalidate a decision or proceeding unless significant prejudice to a student may result.