

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 designee of the President of SUNY Optometry that there is a significant risk to the student's health or safety, or the health or safety of others in the SUNY Optometry community, or the student's behavior severely disrupts the educational environment, where no reasonable accommodations can adequately reduce that risk or disruption. The designee of the President of SUNY Optometry, for the purpose of this policy, shall be the Vice President for Student Affairs or their designee.

Consistent with The State University of New York'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 Optometry is in full compliance with this requirement.

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 SUNY Optometry 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 SUNY Optometry community, or where a student's behavior severely disrupts the learning environment at SUNY Optometry and the student does not take a voluntary leave of absence, the Vice President for Student Affairs or their designee has the authority to place a student on an involuntary leave of absence, after the appropriate procedural due process, outlined below, has occurred according to this policy.

Before placing any student on an involuntary leave of absence, SUNY Optometry will conduct an individualized assessment, consulting with the Student Disability Liaison to determine if there are reasonable accommodations that would permit the student to continue to participate in the SUNY Optometry learning environment without taking a leave of absence.

The Vice President for Student Affairs or their designee 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, an academic department, or a member of the College's behavioral intervention team. If the Vice President for Student Affairs or their designee deems it appropriate, the procedures under this policy can be initiated.

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

1. The Vice President for Student Affairs or their designee at SUNY Optometry will consult with the Student Disability Liaison prior to making a decision to impose an involuntary leave of absence.

2. The Vice President for Student Affairs or their designee 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 Student Disability Liaison who can provide information about potential accommodations, and a copy of this policy.
3. SUNY Optometry will provide clear information about its Student Disability Liaison and the services they offer, including the location of the office, whom to contact, services provided, information about how to request reasonable accommodations and supports, and any other pertinent information SUNY Optometry 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 SUNY Optometry’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 SUNY Optometry. 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. SUNY Optometry 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.
4. To the extent required by applicable law, the Vice President for Student Affairs or their designee 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 accommodation(s). SUNY Optometry must document all such considerations, accommodations, and related decisions.
5. The student may be asked to execute a 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 SUNY Optometry 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 Vice President for Student Affairs or their designee at SUNY Optometry, 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 SUNY Optometry is given authority, shall be limited to personnel directly involved in the deliberation and decision-making process under this policy. SUNY Optometry shall establish procedures for the secure storage of 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 Vice President for Student Affairs or their designee, the Vice President for Student Affairs or their designee may proceed with assessment based on the information in the Vice President for Student Affairs or their designee’s possession at that time.

6. The Vice President for Student Affairs or their designee 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:
 - Faculty members;
 - Academic advisors;
 - Department head for programs that lead to professional licensure, as appropriate;
 - 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 Student Counseling Center (with appropriate authorization for any providers who have provided services to the student);
 - Member(s) of SUNY Optometry's behavioral intervention team or equivalent personnel that serves the function of assessing and monitoring students of concern; and/or
 - Other individuals who may be appropriate in an individual matter.
7. When evaluating whether an involuntary leave of absence is appropriate, SUNY Optometry 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 SUNY Optometry 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 SUNY Optometry 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.
8. The Vice President for Student Affairs 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 SUNY Optometry with or without reasonable accommodations. If the Vice President for Student Affairs or

their designee 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 Vice President for Student Affairs or their designee (with appropriate authorization) may contact the treatment provider(s) to obtain additional information. In certain circumstances, SUNY Optometry may request the student to undergo an additional evaluation by an independent and objective professional designated by SUNY Optometry, if the Vice President for Student Affairs or their designee believes it will facilitate a more informed decision. SUNY Optometry should appropriately document the reasoning for such a decision, if warranted.

9. Following the Vice President for Student Affairs or designee's consultations and review of the relevant documentation and information available, the Vice President for Student Affairs or their designee 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 (see "Appeals" under Section III). The review and notice of decision shall be performed in a reasonable and timely manner.
10. In emergency situations involving an imminent threat of harm to the student or any other member of the SUNY Optometry community, the Vice President for Student Affairs or their designee, in the exercise of their reasonable judgment, may require a student to be immediately prohibited from entering SUNY Optometry or related facilities utilized for campus-related programs or activities while such individualized assessment and review under this policy is taking place. This may include facilities owned or operated by SUNY Optometry partners who are providing educational, clinical or related activities for students. 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 Vice President for Student Affairs or their designee 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, SUNY Optometry shall document the reason for such delays in writing.

II. Decisions on Involuntary Leaves of Absence

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 Student Disability Liaison. 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.

If an Involuntary Leave of Absence is Not Imposed: The Vice President for Student Affairs or their designee may impose conditions and/or requirements under which the student is allowed to remain at SUNY Optometry using the least restrictive appropriate means possible.

III. Appeals

1. Within seven (7) calendar days of receiving the written notice of a decision from the Vice President for Student Affairs or their designee at SUNY Optometry, the student may submit an appeal of the decision in writing to the Vice President for Student Affairs who shall initiate the appeal process.
2. 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 Vice President for Student Affairs or their designee. 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.
3. The criteria for appeal will be limited to the following:
 - ***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.
4. 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.

IV. 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 SUNY Optometry's local enrollment policies; however, they are not registered and therefore, do not have the rights and privileges of registered students.

During the time of the leave of absence, SUNY Optometry may set a minimum period of time that a student may not enroll in coursework, which includes online, arranged or independent study classes, or internship/research/clinical experiences. SUNY Optometry may also allow a student to enroll in online or independent study courses, or a limited re-

enrollment, during a time prior to allowing the student to return to in-person classes or internship/research/clinical experiences. These restrictions and their implications on the student status shall be communicated to the student as part of the involuntary leave process.

2. ***Effective date(s) of leave:*** A student must leave the campus within the timeframe set forth by the Vice President for Student Affairs or their designee or Board of Appeals, as applicable, in the decision to impose an involuntary leave of absence. The leave will remain in effect until:
 - The Vice President for Student Affairs or their designee has determined after an individualized assessment - the parameters of which shall be set forth in the written decision of the Vice President for Student Affairs or their designee 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 Vice President for Student Affairs or their designee or Board of Appeals, as applicable.

SUNY Optometry 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. Moreover, given the progressive nature of the SUNY Optometry curriculum and the limited course offerings for each class, a student may not be able to return until the following academic year. SUNY Optometry will clearly identify and state deadlines for all requests to return, which will align with the start of each academic term per year. This also includes online, arranged classes, and internships.

4. ***Notification:*** At any time while the student is on leave, the Vice President for Student Affairs or their designee 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 SUNY Optometry while on leave:*** Unless expressly permitted by the Vice President for Student Affairs or their designee, in writing, or the Board of Appeals, as applicable, students on an involuntary leave of absence are not permitted to be present on the SUNY Optometry campus or on facilities managed by partner entities or agencies where students receive educational or clinical experiences and are not permitted to engage in any SUNY Optometry-related activities, including on-Campus and/or remote employment opportunities.
6. ***Coursework taken while on leave:*** Consistent with SUNY Optometry's policies and procedures, academic credit for work done elsewhere may be allowed toward a SUNY Optometry degree. However, students must consult with the Office of their Program Chair, Academic Dean, and/or the Registrar's Office prior to taking any coursework

while on an involuntary leave of absence and must receive permission for the courses taken on leave to be transferred to SUNY Optometry prior to commencing the course. An official transcript showing successful completion of the course must be submitted to the Office of the Registrar for the course to be applied to the SUNY Optometry degree.

7. ***Access to Student Accounts while on leave:*** Unless expressly prohibited in writing by the Vice President for Student Affairs or their designee, or the Board of Appeals, as applicable, students on leave generally may retain some SUNY Optometry student privileges, including their SUNY Optometry email account.
8. ***Tuition and Fees:*** Consistent with SUNY's and SUNY Optometry's local policies and procedures, students who leave SUNY Optometry before the end of a term may be eligible to receive refunds of portions of their tuition. See the SUNY Tuition Refunds Policy at https://www.suny.edu/sunypp/documents.cfm?doc_id=390 for a schedule of refunds.
9. ***Financial Aid:*** SUNY Optometry shall provide information on any effect an involuntary leave of absence decision may have on that student's financial aid.
10. ***Visa Status:*** International students (especially F-1 and J-1 Visa holders) placed on an involuntary leave of absence must speak with the Registrar at SUNY Optometry regarding their Visa status and the effect an involuntary leave of absence may have on that status.

V. Request for Return

1. In addition to the general requirements all students must meet when returning to SUNY Optometry after a leave of absence, as well as any conditions imposed by the Vice President for Student Affairs or their designee 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 I as part of an individualized assessment. SUNY Optometry's Student Disability Liaison will work with students to provide reasonable accommodations in the return process as appropriate.
2. A student must make a written request to the Vice President for Student Affairs or their designee to return to SUNY Optometry. Generally, a student shall not be allowed to return until at least 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 Vice President for Student Affairs or their designee 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 I, above. The Vice President for Student Affairs or their designee 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 SUNY Optometry's mental health counselor 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 SUNY Optometry's Student Disability Liaison .
4. All returning students must meet the essential eligibility requirements and any technical standards of SUNY Optometry and their academic program, with or without reasonable accommodations. If the Vice President for Student Affairs or their designee determines that the student is ready to return to SUNY Optometry, 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 III.

VI. 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 SUNY Optometry's Student Code of Conduct, or other policies and directives, nor does it preclude the removal or dismissal of students from SUNY Optometry or SUNY Optometry related programs as a result of violations of other SUNY Optometry policies or school or department protocols.

This policy does not limit SUNY Optometry'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 SUNY Optometry that were incurred prior to the time the involuntary leave of absence was imposed. SUNY Optometry will notify students if there might be an effect on the student's financial aid, including returning aid, outstanding balances, potential effects on future aid, and any effects on the New York State Tuition Assistance Program (TAP), and any other scholarship, if applicable.

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

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

Last Updated: July, 2024

