Meeting Synopsis

1. Call to order
2. Review of the minutes from January 8, 2019
3. Chair’s report
4. Hazing regulations update (Elizabeth Lewis and Megan Kennedy)
5. Medical leave update (Elizabeth Lewis and Megan Kennedy)
6. Religious accommodations discussion
7. Medical excuse notes resolution discussion
8. Good of the order
9. Adjourn

1. Call to order

The meeting was called to order at 1:30 p.m.

2. Review of the minutes from January 8, 2019

The minutes from January 8, 2019 were approved as written.

3. Chair’s report

Laws, the chair, notified the council that Class A legislation regarding Faculty Council attendance was passed by the Faculty Senate and was approved by the full faculty and President. If council members have three unexcused absences the chair may remove them from the council. Council members need only email the Council Analyst and/or the chair informing them of their absence to be excused.

The chair also reminded the council members of commitments they volunteered to serve/work on. Angelia Miranda and Alileen Trilles are working on student housing issues. Bruce Hevly agreed to attend on the Intercollegiate Athletics meetings. Dean Heerwagen and Ann Culligan volunteered to serve on the course evaluation task force.

4. Hazing regulations update (Elizabeth Lewis)

Elizabeth Lewis, Director of Community Standards & Student Conduct, updated the council on the University’s student conduct code revisions to hazing polices (Exhibit 1).

Andrea Carroll also shared that the proposed revisions were represented by a range of groups (athletics, ROTC, Greek Life, etc.)
Members discussed the proposed changes and offered edits. The chair asked about the structure of section 1a and 1b. Lewis will make structural changes in section 1b and send a new draft to the chair.

5. Medical leave update (Elizabeth Lewis and Megan Kennedy)

Lewis and Megan Kennedy, Manager of Strategic Initiatives for Student Wellness, proposed guided pathways and policies for undergraduate students seeking (or at the request of the University) a leave of absence from the University for medical health reasons (i.e. physical or mental health conditions). Voluntary leave (Exhibit 2) and mandatory leave (Exhibit 3) were outlined. The proposed policies also provide guidance for returning to the University.

A member asked for further clarification with how this policy compares to the “hardship withdrawal” policy. Kennedy explained that they are rethinking the “hardship withdrawal” policy, but this policy would not replace “hardship withdrawal” or incomplete grading policy. Another member asked if University policies should be expanded to include non-medical crises. Lewis responded that the undergraduate relationship to the institution is not the same as it is to graduate and professional students. Hardship withdrawal does allow undergraduate students to leave the University for non-medical issues, but documentation is required. The members asked how international students are impacted by these policies. Kennedy responded that there are exemptions for these students.

A member asked if they expect this policy to impact admissions and/or enrollment. Lewis and Kennedy responded that more data is needed to determine this. There is also a survey that would accompany request for leave. The survey should help determine why students are leaving and when they plan to return.

Lewis and Kennedy also noted that other offices (housing, tuition reimbursement, etc.) require documentation (proof of burden) and so they are hoping the medical provider note should cover these requirements.

6. Religious accommodations discussion

The chair followed up on Senate Bill 5166 which is progressing in the Washington state Legislature (Exhibit 4). The bill passed the Senate and is now in the House. The chair pointed out that there is a syllabus requirement in Section 4 to which he is opposed. Several council members agreed that the syllabus requirement would be overreach.

The chair suggested that the council draft Class B legislation if the bill does not pass.

7. Medical excuse notes resolution discussion

The chair shared a draft Class C resolution (Exhibit 5) that would dissuade faculty members from requiring medical excuse notes for student absences. The resolution also charges the FCSA with changing Scholastic Regulations to strictly prohibit medical excuse notes.

The chair asked members for feedback on the resolution. A member expressed concern that the hard sciences will push back on the legislation, but having a lengthy and detailed resolution will be important for them to see the justification.
A member moved that the council vote on the drafted Class C resolution. There was a second. The council voted to approve the resolution. The chair will reach out to the Faculty Council chairs of Teaching and Learning and Academic Standards for further endorsement.

8. **Good of the order**

Nothing was stated.

9. **Adjourn**

The meeting was adjourned at 3:11 p.m.

---

Minutes by Lauren Hatchett, lehatch@uw.edu, council analyst

**Present:**
- **Faculty:** Ann Culligan, Bruce Hevly, Chris Laws (chair), Dean Heerwagen, Andrea Carroll
- **Ex-officio reps:** Aileen Trilles, Angelia Miranda, Erin Conor, Karen Martinez
- **President’s designee:** Lincoln Johnson
- **Guests:** Megan Kennedy, Elizabeth Lewis

**Absent:**
- **Faculty:** Christopher Campbell, Selma Powell
- **Ex-officio reps:** Afua Tiwaa

**Exhibits**
- Exhibit 1 – WAC 478-121-135 EDIT.docx
- Exhibit 2 – Voluntary Leave of Absence Undergraduate Students 3.19.docx
- Exhibit 3 – 3.5.19 Draft Mandatory Leave Policy.docx
- Exhibit 4 – 5166-S.pdf
- Exhibit 5 – Medical Excuse Note Bill -- FacSen Revised 030519.docx
Hazing.

All university organizations, associations and student living groups are prohibited from hazing.

(1) Hazing includes:

(a) any method of conduct associated with initiation or admission into a student organization or living group, or any pastime or amusement engaged in with respect to such an organization or living group, that causes, or is likely to cause, bodily danger or physical harm, or serious mental, psychological or emotional harm, to any student or other person. Hazing activities may include, including but are not limited to:

I. humiliation by ritual act, encouraging or promoting the abuse of alcohol;
II. striking another person whether by use of any object or any part of one's body;
III. causing someone to experience excessive fatigue or physical and/or psychological shock or
IV. causing someone to engage in degrading or humiliating games or activities that create a risk of serious mental, psychological, emotional, and/or physical harm.

(b) Conduct associated with initiation or admission into a student organization or living group, or any pastime or amusement engaged in with respect to an organization or living group not amounting to a violation of (a) of this subsection, including but not limited to:

I. encouraging or promoting the illegal use of alcohol and/or drugs;
II. requiring only new members to perform certain tasks or chores;
III. requiring the wearing of unnecessary clothing or other items;
IV. requiring participation in physical or intramural activities;
V. causing someone to engage in or believe they may be required to engage in degrading or humiliating games or activities that create psychological, emotional, and/or physical harm;
VI. behavior that interferes with academic obligations;
VII. being required to engage in acts contrary to an individual's personal beliefs;
VIII. or engaging in behaviors prohibited in the Student Conduct Code.

(c) Consent of a victim or victims is not a defense to an allegation of hazing.

(d) Hazing does not include customary athletic or cultural events or other similar contests or competitions.

(2) Any university organization, association or student living group that knowingly permits hazing as defined in subsection (1)(a) of this section shall be deprived of official recognition or approval granted by the university. Any university organization, association or student living group that knowingly permits hazing as defined in subsection (1)(b) of this section shall either be deprived of official recognition or be placed on probation for a period specified by the university.
(3) Individuals or students found responsible for violations of this WAC shall forfeit any entitlement to state funded grants, scholarships, or awards for a specified period of time determined by the University of Washington.

Voluntary Leave of Absence Undergraduate Students
(Approved by the President by delegation of authority ...)

1. Purpose:
The University strives to ensure that all students can fully participate as members of the university community. However, when a student’s medical health (i.e., physical or mental health conditions) significantly impairs their ability to function successfully or safely as a student, they may request to take a Voluntary Leave of Absence from the university for treatment and recovery. This policy is aligned with the American Disabilities Act (ADA) and Executive Order 31 and Student Governance Policy Chapter 208.

2. Definitions:
   A. Campus designee- A university staff person who has the authority to grant Voluntary Leave. See Section 6.
   B. Grant of Leave of Absence- A notice to students with the status of their leave request and instructions specific to that student
   C. Health Care Professional: Health care professional means a licensed health care provider who is qualified to diagnose and/or treat the particular medical condition or conditions that are the basis of the leave request.
   D. Health Care Provider Form- Form completed by Health Care Professional qualified to verify the health condition and supporting the student’s need to take a Voluntary Leave of Absence for the purpose of receiving treatment or recovery.
   E. Voluntary Leave of Absence: A proactive status in which the student requests to not be continuously enrolled for a specific period of time. The transcript shows the student on leave.
   F. Voluntary Leave of Request Form- an online notification that a student wishes to apply for leave.

3. Applying for Voluntary Leave
An undergraduate student may request Voluntary Leave from the university by submitting a Voluntary Leave Request Form online or contacting the appropriate Campus designee (See Section 6). Students may meet with the Campus designee to learn more about the process and discuss other suitable options. All requests for Voluntary Leave must be accompanied by a Health Care Provider Form completed by a Health Care Professional who is qualified to diagnose and/or treat the particular medical condition or conditions that are the basis of the leave request.
Requests for the current term must be submitted no later than the last day of instruction. Any requests submitted after the last day of instruction will be considered for future terms.

4. **Terms of Voluntary Leave of Absence**

A Voluntary Leave of Absence typically may be granted for one or two consecutive quarters. The university may agree to extend the leave beyond two quarters for a maximum of four consecutive quarters.

5. **Process of Granting Voluntary Leave**

The request will be reviewed by the campus designee (See Section 6). Students will be notified via email whether their request has been granted.

The Grant of Leave of Absence will include instructions for the student regarding the university’s expectations of the student while on Leave including but not limited to:

1. Information about engaging other relevant university processes (e.g., Financial Aid, Scholarships, Housing and Food Services)
2. Information about access to faculty, campus services and or other functions of the university while on Leave Status.
3. Information about returning to the university including:
   a. How and when to contact the campus designee to communicate intended date of return or to request an extension of Leave.
   b. How and when to complete the Returning Student Application by checking the box indicating they were on Leave (pertains to students on leave for two or more quarters).
   c. Information about setting up a meeting at least one month before returning from Leave with the appropriate campus designee (See Section 6) to create a plan for any needed ongoing support and successful re-entry.

In rare circumstances, if the student’s application and/or documentation is insufficient, the student may be asked to provide supplemental documentation.

When a Voluntary Leave of Absence is granted, the campus designee will notify the Registrar’s office, which will note the student’s leave status. Student’s transcripts will reflect on leave for the quarters granted.

6. **Designated Office:**

Seattle - Associate Vice President for Student Life, or designee (phone/email/web)
Bothell - Dean of Student Affairs, or designee
Tacoma - Vice Chancellor for Student and Enrollment Services, or designee

7. **Confidentiality**
The University will comply with laws and university policies concerning the confidentiality of information related to this policy.

8. Records Retention

Records connected to this Policy shall be maintained consistent with the University Records Retention policy and other relevant policies. FERPA.

9. Financial Aid and Tuition:

All other financial issues (e.g., financial aid, scholarship, tuition) will be addressed on a case-by-case basis depending on the student’s circumstances and the time period in which the student is on mandatory leave.

11. Additional Information

(Include links to procedures, forms, charts, addendums, etc. List in alphabetical order by name.)

12. Responsible Office

The xxxx is the main contact responsible for information contained in this policy.

13. History

(This section is for Rules Coordination Office use only for the history of creation and amendments to the policy.)

March 5, 2019,

[*Starred section numbers are required sections in a required order.]
Mandatory Leave of Absence Students
(Approved by the President by delegation of authority ...)

*1. Purpose*

The University of Washington is concerned about the health, welfare, and safety of all of its students. To promote an educational environment where all students can be successful, it is necessary for the University to engage with students whose ability to function successfully or safely as students is compromised as defined by the essential functions below. In such circumstances, the University may encourage a student to take voluntary leave. However, when a student’s behavior renders the student unable to effectively function in the residential or educational community without harming themselves, others, or unduly disrupting the University community, the University may, after an individualized review, place a student on mandatory leave of absence in accordance with the procedures set forth in this chapter.

This process is only considered in rare situations. A mandatory leave of absence is not the preferred option when addressing students’ health, welfare, and safety. Any assessment or action taken under this policy will be based on legitimate safety concerns and not based on speculation, stereotypes, or generalizations about individuals with disabilities. This policy is aligned with the American Disabilities Act (ADA) and Executive Order 31 and Student Governance Policy Chapter 208. This policy is independent and separate from the Student Conduct Code (WAC 478-121) and Student Governance Policies Chapter 209 & Chapter 210. Nothing in this policy precludes the University from taking appropriate disciplinary action under the Student Conduct Code and Student Governance Policies Chapter 209 & Chapter 210.

The authority for determining whether a student shall be placed on mandatory leave rests with the Vice President of Student Life or designee at University of Washington in Seattle, with the Dean of Student Affairs of designee at the University of Washington Bothell, and the Vice Chancellor of Student Affairs and Enrollment or designee at the University of Washington Tacoma. Only the University official delegated this authority under this policy may initiate mandatory leave proceedings.

*2. Definitions:*

A. **Essential functions:** Essential function requirements for a student are those tasks and responsibilities an individual student is required to perform, with or without reasonable accommodation, in order to remain enrolled at the University. These functions are all related to and consistent with educational necessity. The primary foci of the essential functions requirements is the ability to learn, retain information, exhibit self-mastery, and demonstrate knowledge pertaining to academic and personal success. The essential functions for general enrollment include:

   a. **Mental/Psychological Requirements**
      i. Communicating effectively, both verbally and non-verbally, and receiving communication effectively
      ii. Managing and maintaining control over emotions
iii. Concentrating on tasks  
iv. Remembering information and details  
v. Adjusting to changing environments that includes maintaining emotional health and a demeanor suitable for an academic environment.

b. Performance Requirements
   i. Meeting academic/administrative deadlines, completing tasks as assigned  
   ii. Attending and participating in classes and required meetings with university faculty and staff  
   iii. Managing stressors associated with studying and, if relevant, residing in a university community

c. Interpersonal and Intrapersonal Requirements
   i. Maintaining organization related to academics, health, and well-being, including appropriate hygiene  
   ii. Adhering to university policies, including the student conduct code and academic integrity policies  
   iii. Communicating effectively with faculty, staff and fellow students  
   iv. Self-evaluating, identifying, and articulating needs and being able to identify and utilize resources in order to meet those needs

d. Other Requirements
   i. Additional requirements may be required for some university programs, activities, housing options, majors, and courses.

B. Health care professional: A person who is licensed and qualified to diagnose and/or treat the particular medical condition or conditions.

C. Interim Protective Conditions: Conditions placed on the student to reduce the impact of the student’s behavior on the University. Students are informed in writing through their UW email address and may petition the University official to make the conditions less restrictive. These may include but are not limited to:
   a. Temporary Suspension: limits the student from participation in any or all University functions, privileges, or locations;  
   b. No-Contact Directive: a University directive prohibiting the student from having direct or indirect contact, by any means, with specified persons, and/or a specific student organization;  
   c. Housing Reassignments or Temporary Removal: In accordance with University housing agreements, a student may be reassigned to other University housing or temporarily removed from housing under certain circumstances as necessary;  
   d. Loss of Privileges: limits the student’s access to, or limits participation in, identified university-controlled buildings, programs, or activities  
   e. Changes to Class Schedules, Assignments, or Test Schedules: this may include moving the student to a different class time or section. Efforts are made to avoid an impact on the student’s academic progress.

D. Mandatory Leave: Encompasses a mandatory leave of absence which is a transcript entry of “On Leave” in which the student is removed from enrollment and may be restricted from accessing all or some of the University for a specific period of time for treatment and recovery. This status preserves the student’s enrollment in a major or school.
E. **Medical condition**: A diagnosed physical or mental health condition that impairs the ability to perform the essential functions of being a student.

F. **Presiding Officer**: University official who chairs the Student of Concern Board.

G. **Service**: To send notice via electronic mail (e-mail) to the student’s university issued e-mail address. Service by email is complete at the moment the email is sent to the email address. In the alternative, service may also be accomplished by personal service or by posting it in the United States mail, properly addressed, and postage prepaid. Service by mail is complete upon deposit in the United States mail. If there is no email on record, service may also be accomplished by personal service or by posting it in the United States mail, properly addressed, and postage prepaid. Service by mail is complete upon deposit in the United States mail.

H. **Student Conduct Code**: refers to the regulations contained in the student conduct code, chapter 478-121 WAC and Student Governance Policies Chapter 209 and Chapter 210 collectively.

I. **Student Care Team**: A multidisciplinary teams that assesses students which includes but is not limited to representatives from counseling services, student conduct, disability resources for students, case managers and other departments.

J. **Student of Concern Board**: Team charged with hearing student appeals.

K. **University**: means the University of Washington and includes the campuses of the University of Washington in Seattle, UW Bothell, and UW Tacoma and all programs or premises owned or operated by the University of Washington.

L. **University official**: The person who has the authority to grant a medical leave or impose a mandatory leave of absence. University of Washington in Seattle - Associate Vice President for Student Life, or designee; UW Bothell - Dean of Student Affairs, or designee; UW Tacoma - Vice Chancellor for Student and Enrollment Services, or designee.

3. **Risk of Health, Danger or Disruption**

Upon notification of a serious health or safety concern involving a student, the university official will make an individualized assessment of whether a student should be placed on a mandatory leave. The university official in consultation with Safe Campus, Student Care Team and Disability Resources for Students, may require a student to take mandatory leave if one or more of the following elements are met:

A. Is not meeting the essential function requirements for a student as set forth in the definitions Section 2.

B. Is engaging in, or is threatening to engage in, behavior that poses a significant risk of causing substantial harm to the health, safety, or welfare of self or others based on an individualized assessment that includes:
   i. 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.

C. Is so severely disruptive as to directly and substantially deny or limit another’s ability to work, study, participate in, or benefit from the University’s programs or activities.
In determining whether a student should be placed on a mandatory leave, the University official should consult with Safe Campus, the Student Care Team, and Disability Resources for Students and, where possible, other persons who can provide relevant information about a student’s condition and recent behaviors. The University official should consult with Disability Resources for Students to consider whether the student could be provided with any reasonable accommodations that would allow the student to perform the essential function requirements.

While the University official is gathering all of the relevant information, the University official may issue interim protective conditions on the student’s attendance, campus participation, or ability to reside on campus. If there are no reasonable accommodations as defined by Chapter 208 that would permit the student to continue participating in the University community, or the student has rejected all reasonable accommodations offered by the University, the University official may require a student to provide documentation from a treating health care provider that verifies the student is able to perform the essential function requirements before lifting the interim protective conditions.

4. Mandatory Leave Process

A. Meeting with University Official:

If, after consultation with Safe Campus and/or the Student Care team, no alternative interventions have been identified, the University official will provide written notification to the student of the need to evaluate whether the student should be placed on mandatory leave pursuant to this policy.

The notice will include the following:

a. The notification will inform the student of this policy, including their rights;
b. A description of the alleged behaviors and associated risks to the University;
c. The general basis for determining whether mandatory leave is warranted;
d. Information about alternative leave options, including Voluntary Leave (See Policy Chapter XXXX).
e. The time and place for the required meeting.
f. The student will be informed that they may provide the University Official with any information that the student believes is relevant to the process prior to the meeting and at the meeting. If the student releases medical records, the University will comply with laws and University policies governing the confidentiality of this health information.

B. Meeting with the University Official will include but not be limited to:

a. An explanation of the mandatory leave process;
b. A description of the alleged behaviors leading to the concern;
c. The reasons for the University’s concern;
d. The student can provide additional information or identify relevant people to provide additional information pertaining to the matter;
e. The student will be given an opportunity to respond to the concerns and identified behavior.
f. A discussion of other alternative options available to the student to mitigate the behavior.

C. Possible outcomes of meeting with University official:

a. The University official determines there is no basis for requiring mandatory leave and matter is closed.
b. Student agrees to take a quarter off, or voluntary medical leave (see Chapter XXX); or
c. University official determines additional information is required. The focus of obtaining information would be to determine the following:
   i. The nature, duration, and severity of any risk posed by the student to the health and safety of the student or others;
   ii. The nature, duration, and severity of potentially reoccurring behaviors that substantially disrupt the educational and other activities of the University;
   iii. Whether any reasonable modifications of policies, practices, or procedures or other reasonable accommodation will sufficiently mitigate any risk or disruptive behavior.

D. After meeting with the student, the University official may consult with relevant partners.

E. If the student refuses to participate in the meeting with the University official, the decision will be made based on available information and without the student’s input.

F. The University official will notify the student in writing of the decision and, if mandatory leave is required, any conditions which need to be met before consideration for re-enrollment. Conditions will be reasonable and based on an individualized assessment of the actual risk posed by the student. The university may also require other neutral, nondiscriminatory readmission requirements that are the same as they would be for any other student on a leave of absence.

If the University requires mandatory leave, the student will be removed from campus immediately and restricted from any or all areas of campus. The student will also be informed of their right to ask for review of the decision within 5 business days.

If the student does not ask for review after 5 business days, the University official will notify the Registrar, the student’s school or college, and Student Fiscal Services and the student may be withdrawn from classes. Further a hold may be placed on the student’s registration.

5. Written Notification and Conditions of Leave

A. Notice: The University official shall issue a written notification of the mandatory leave. The written notice shall include:

   a. Effective date of the leave;
   b. Reasons for requiring the leave;
   c. Conditions during the leave of absence, if any;
   d. Length of mandatory leave will be determined on a case-by-case basis;
   e. Conditions for reenrollment, if any;
   f. A University point of contact during the absence; and,
   g. Information about the appeals process.

B. Service: The notice shall be served on the student by their university email address and may also be hand delivered.

C. Conditions: If the University official issues a mandatory leave of absence, the University official may also impose conditions on the student during the mandatory leave as well as conditions for returning to the University after the mandatory leave. The goal of such conditions is to prepare the student for a successful return to the University. Such conditions may include, but are not limited to:

   a. Restrictions on access to university property;
b. Restrictions on participation in university programs or activities;
c. Interim protective conditions as defined in Section 2;
d. Narrowly tailored and reasonable release of treatment records;
e. Mandatory assessment to address the identified health or safety risks;
f. Compliance with treatment recommendations;
g. Documentation of ability to meet the essential functions of a student prior to returning; and,
h. Consultation and assessment with the university official or designee prior to being able to register for classes and the end of the leave period.

D. Appeal: The notice of mandatory leave is subject to the appeal procedures set forth below (Section 7). The student may request a review within 5 business days by the Vice President for Student Life or designee at the University of Washington in Seattle; the Dean of Student Affairs or designee at UW Bothell; or the Vice Chancellor for Student and Enrollment Services or designee at UW Tacoma.

6. Returning from Mandatory Leave

A. In order to re-enroll, the student must provide documentation indicating they are able to meet the essential functions of being a student (Section 2) with or without an accommodation. They must start this process at least 6 weeks prior to wishing to be reenrolled.

B. Additionally, the student must provide documentation of compliance with any conditions for re-enrollment that were specified in the student’s letter.

C. In addition, the re-enrollment request must include:
   a. A description of the student's attempts to resolve the issues that led to the mandatory leave;
   b. Evidence of the student's readiness to return, such as letters from individuals from whom the student received care or from employers; and
   c. If applicable, provide a release of information for the University official to consult with a health care provider.
   d. The request for re-enrollment and supporting information should specifically address the student’s past history, including any evidence that the student has taken steps to reduce the risk of reoccurrence of the behavior that led to the leave of absence.

D. The University Official will conduct an individualized review of the student’s record to determine readiness to return to the University.

E. The individualized assessment will include but not be limited to:
   a. Meeting with the student before re-enrollment to assess the student's compliance with any reenrollment conditions and evaluate any issues arising out of the student's submission.
   b. Consultation with Safe Campus and the Student Care team

F. The University official will provide written notification of whether or not the student may return and any conditions imposed on the return. If the University official determines the student is not ready to return to the university, the University Official may issue a new notice subject to the appeal process outlined in Section 7. If re-enrollment is permitted, the University official will advise the Registrar, the student’s academic Dean, and Student Financial Services.

7. Appeal

A. Filing: A student may appeal the University official’s decision to require mandatory leave or to deny re-
enrollment if the student believes the factual information on which the University official relied was not accurate or does not support the decision. The appeal must be submitted in writing to the Vice President for Student Life or designee at the University of Washington in Seattle; the Dean of Student Affairs or designee at UW Bothell; or the Vice Chancellor for Student and Enrollment Services or designee at UW Tacoma within twenty-one calendar days from service of the University Official’s decision. The appeal shall be in writing and shall include:

1. Student’s name;
2. Basis for disagreeing with the University Official’s determination, including any supporting documentation; and,
3. What remedy the student is seeking.

B. Appeal Authority: The Vice President for Student Life or designee at the University of Washington in Seattle; the Dean of Student Affairs or designee at UW Bothell; or the Vice Chancellor for Student and Enrollment Services or designee at UW Tacoma will forward the appeal to the Students of Concern Board. The Students of Concern Board shall consist of the Director of Counseling Center (or other designated mental health professional), a faculty member, and the Director of Disability Resources for Students or designee. (Do we want to make this broader to say a representative from the student’s campus counseling services, faculty member, and representative from Disability Resources for Students? Would we want to utilize the Administrative Review Coordinator to shepherd this process? Who would chair?)

C. Appeal Period: During the appeal period, the University’s imposition of mandatory leave of absence remains in effect until terminated, in writing, by the Students of Concern Board or the Vice President for Student Life or designee at the University of Washington in Seattle; the Dean of Student Affairs or designee at UW Bothell; or the Vice Chancellor for Student and Enrollment Services or designee at UW Tacoma.

8. Appeal Hearing

A. Upon receipt of a timely appeal by the student, the Vice President for Student Life or designee at the University of Washington in Seattle; the Dean of Student Affairs or designee at UW Bothell; or the Vice Chancellor for Student and Enrollment Services or designee at UW Tacoma shall convene the Students of Concern Board and notify the student of the date, time, and location of the appeal hearing in writing. The notice will include information about how to request accommodations or interpreters. The notice must be served on the student at least seven calendar days prior to the hearing. The Vice President for Student Life or designee at the University of Washington in Seattle; the Dean of Student Affairs or designee at UW Bothell; or the Vice Chancellor for Student and Enrollment Services or designee at UW Tacoma may coordinate with the student to facilitate scheduling, but is not required to do so. The Vice President for Student Life or designee at the University of Washington in Seattle; the Dean of Student Affairs or designee at UW Bothell; or the Vice Chancellor for Student and Enrollment Services or designee at UW Tacoma shall serve as the presiding officer for the Students of Concern Board. The appeal hearing shall be conducted in accordance with the Administrative Procedure Act, chapter 34.05 RCW.

B. Evidence.

1. Types of evidence: the Students of Concern Board shall be provided with the documentation reviewed by the University Official that formed the basis of the mandatory leave of absence notice. The student may provide the board with additional documentation for the board to consider, may testify before the board, and may present witnesses to the board. Evidence, including hearsay evidence, is admissible if in the judgment of the board it is the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs.
2. Review of evidence: The student has the right to view all material presented to the board.
3. Oath: Any testimony of persons before the board shall be made under oath or affirmation.
4. Witnesses: The student may present witnesses the board meeting. The presiding officer and board may also ask other witnesses and professionals to attend the hearing and provide the board with additional information beyond what was contained in the written documentation provided to the board. If the student wishes to call a witness, the student is responsible for ensuring the witness is available and present at the time of the hearing.

5. Exclusion: As the hearing will cover sensitive material, the presiding officer may exclude anyone from the hearing room other than the student, the student’s advisor, the presiding officer, and the board.

6. Accommodations: The student should request from the Disability Services Office any possible accommodations.

7. Questioning: The student and the board may ask questions of the witnesses, except the presiding officer may preclude any questions that are inappropriate, irrelevant, immaterial, or unduly repetitious. The presiding officer should explain to the student the reasons for rejecting any questions and will maintain a record of the questions submitted and the determinations made.

C. Advisor: A student may be assisted by one advisor of his or her choice. The advisor may be an attorney who is licensed to practice in the state of Washington.

D. Hearing on the Record: A student may waive the opportunity for an in-person hearing and request the board conduct the hearing based solely on written documentation. In such a case, the student may submit written documentation of any additional evidence the student wishes the board to consider in addition to the materials provided by the Dean.

E. Records: The presiding officer shall keep a record of all materials submitted to and reviewed by the board. The presiding officer shall make and keep a recording of the hearing and subsequent transcript, if any. Records shall be kept for seven years and shall be kept confidential to the extent provided by law.

F. Deliberations and Decision: Following the appeal hearing, the board shall meet in private and, within seven business days, determine by majority vote whether to:
   1. Affirm the University Official's decision;
   2. Affirm the University Official's decision but alter the conditions imposed; or,
   3. Reverse the University Official’s decision and allow the student to remain enrolled with or without conditions.

G. Service: The board’s decision shall be in writing and shall set forth the reasons for the board’s decision. A copy of the decision shall be served on the student and a copy provided to the Vice President for Student Life or designee at the University of Washington in Seattle; the Dean of Student Affairs or designee at UW Bothell; or the Vice Chancellor for Student and Enrollment Services or designee at UW Tacoma.

H. Final Decision: The board’s decision is final and no further appeals may be made under this policy. Judicial review of the university’s decision may be available under chapter 34.05 RCW.

9. Relationship to the Student Conduct Code and Other Policies

A mandatory leave is an administrative decision and is not a disciplinary action. A student may still be held responsible for their conduct if the conduct constituted a violation of the Student Conduct Code WAC 478-121.
A student who is placed on mandatory leave remains responsible for adhering to and complying with all of the University regulations, policies and procedures. Students on probation for disciplinary or academic reasons will resume their probationary status upon their return for the duration of the assigned probationary period.

8. Confidentiality

The University will comply with laws and university policies concerning the confidentiality of information related to this policy.

9. Records Retention

Records connected to this Policy shall be maintained consistent with the University Records Retention policy and other relevant policies. FERPA.

10. Financial Aid and Tuition:

All other financial issues (e.g., financial aid, scholarship, tuition) will be addressed on a case-by-case basis depending on the student’s circumstances and the time period in which the student is on mandatory leave.

11. Additional Information

(Include links to procedures, forms, charts, addendums, etc. List in alphabetical order by name.)

12. Responsible Office

The xxxx is the main contact responsible for information contained in this policy.

13. History

(This section is for Rules Coordination Office use only for the history of creation and amendments to the policy.)

March 5, 2019.

[*Starred section numbers are required sections in a required order.]
AN ACT Relating to providing religious accommodations for students at postsecondary educational institutions during exams or other requirements to successfully complete a program; amending RCW 28B.10.039; adding a new chapter to Title 28B RCW; and recodifying RCW 28B.10.039.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Sec. 1. RCW 28B.10.039 and 2014 c 168 s 4 are each amended to read as follows:

1. (Institutions of higher education) (1) Postsecondary educational institutions must develop policies to accommodate student absences (up to two days per academic year) to allow students to take holidays for reasons of faith or conscience or for organized activities conducted under the auspices of a religious denomination, church, or religious organization, so that students' grades are not adversely impacted by the absences.

2. Students' sincerely held religious beliefs and practices must be reasonably accommodated with respect to all examinations and other requirements to successfully complete a program. Instructors may schedule alternative times without prejudicial effect before or after the regularly scheduled examination or other requirement to successfully complete a program. Instructors must accept at face value students' sincerely held religious beliefs and practices.

State of Washington 66th Legislature 2019 Regular Session
By Senate Higher Education & Workforce Development (originally sponsored by Senators Hasegawa, Carlyle, Frockt, Palumbo, and Nguyen)

READ FIRST TIME 01/31/19.
value the sincerity of the students' religious beliefs and must keep requests for accommodation confidential unless disclosure of the request is required to facilitate the accommodation with campus administrators. The postsecondary educational institution must make alternative accommodations for a student when:

(a) A student's sincerely held religious belief or practice materially impacts the student's ability to perform on an examination or meet a requirement to successfully complete a program; and

(b) The student has provided written notice within the first two weeks of the beginning of the program of the specific dates the student requests alternative accommodations from the examination or requirement.

(3) Postsecondary educational institutions must:

(a) Distribute a copy of the postsecondary educational institution's policy to faculty, students, and administrators, and ensure the policy is published on its web site. Postsecondary educational institutions must also include the policy in any future publication of any publicly available handbook or other document regularly provided to faculty, students, and staff.

(b) Provide instructors, faculty, school administrators, and other relevant staff a nonexhaustive list of major religious holy days or festivals for the following two academic years to facilitate planning.

(4) Instructors at each postsecondary educational institution must include in each course syllabus a statement regarding the postsecondary educational institution's religious accommodation policy, including a description of the general procedure to request accommodations and informing students of the point of contact by which they may seek accommodation or further information about the policy.

(5) Postsecondary educational institutions must provide a process for students to notify the Title IX coordinator, a Title IX coordinator's designee, or a designated staff member if there is no Title IX coordinator, of any grievances with regard to implementation of this section, and to seek redress.

(6) No fees shall be imposed on students by postsecondary educational institutions as a result of seeking accommodation under this section.

(7) For the purposes of this section, "postsecondary educational institution" means an institution of higher education as defined in
RCW 28B.10.016, a degree-granting institution as defined in RCW 28B.85.010, a private vocational school as defined in RCW 28C.10.020, school as defined in RCW 18.16.020, and any entity offering academic credit for an apprenticeship program under RCW 49.04.150.

NEW SECTION. Sec. 2. RCW 28B.10.039 is recodified as a section in a new chapter in Title 28B RCW.

--- END ---
RESOLUTION ADDRESSING STUDENT ABSENCES DUE TO SHORT-TERM MEDICAL REASONS AND THE USE OF “MEDICAL EXCUSE NOTES” BY FACULTY – Chris Laws, Chair FCSA

BACKGROUND

Current UW policies regarding student absences for short-term illnesses are advisory in nature and do not specifically address “medical excuse notes” – documents from a professional medical provider attesting to the severity of a short-term illness and the need for a student to be absent from class as a result. The UW’s Student Governance and Policies, Chapter 112, Section 1B addresses the issue most directly: “A student absent from any examination or class activity through sickness or other cause judged by the instructor to be unavoidable shall be given an opportunity to take a rescheduled examination or perform work judged by the instructor to be the equivalent.” However, the lack of more explicit guidance on this important and routine student-faculty interaction is in practice problematic and leads to a disparate set of approaches across campus and inequitable outcomes across student populations – including extensive use of medical excuse notes among some members of the faculty.

Unfortunately, a curricular strategy of routinely requiring students to obtain medical excuse notes provides little or no value and has unintended, adverse consequences for the student, the University, and medical providers. Medical providers want to help students with their health needs, but students who visit a medical professional purely to obtain a document regarding illness have been pressured into entering into a costly and potentially risky provider-patient relationship without a true medical need.

Faculty Senate and ASUW leadership, in conjunction with colleagues at Hall Health, have identified several key areas of concern:

1) Hall Health Access and Resources — Hall Health is often (over) filled to capacity. Students who don’t really want to be a patient are diminishing access for those who do have a medical need to seek care and wish to be seen. The generation of excuse notes is a wasteful use of expensive and limited health care staff time and resources. Estimates from Hall Health suggest as much as $250,000 annually is spent attending to some 2,500 note requests, and that visits for such requests represent approximately 5% of total student visits.

2) Financial Burdens and Inequities – Students who are uninsured/underinsured, including low income students, DACA students, and minority students are at a financial disadvantage when seeking medical care. Policies that require a student to seek care for an administrative reason place a financial burden on these students and affect students in extremely unequal ways.

3) Student Safety — Students who see a provider to get a note have a specific objective: get the note. There is pressure to make sure that the symptoms are described in such a way that the provider will generate a note. Exaggeration of symptoms leads to testing or procedures that have risk, and patients may be harmed as a result. The risk/benefit ratio in these cases is extreme.

4) Unrealistic expectation of provider-patient relationship — Lacking omniscience, a provider must rely on the patient’s description of the symptoms. Sometimes this is after the illness has already resolved. Providers are trained to be advocates for their patients and so a note will be
generated almost 100% of the time. Thus, requiring a student to obtain a medical excuse note has no value as an actual check on student behavior.

5) Education — The academic relationship between faculty and students belongs in the classroom. Faculty are in the best position to judge academic performance by students. Further, as students develop and prepare for their careers later in life, they should experience an environment that reflects the realities that will be experienced after graduation. Hall Health in particular wants to promote responsible self-care for minor ailments and health concerns, an important educational component that encourages self-reliance and resilience.

Given these serious concerns, Faculty Senate and ASUW leadership have begun pursuing a more explicit and restricted medical excuse note policy that promotes access, encourages appropriate use of limited resources, promotes patient safety, does not place an unfair financial burden on students, and is in alignment with a holistic educational experience. Of note is that restricting routine medical excuse notes would not have any bearing on documentation needed for disability, hardship, or other significant circumstances (including medical conditions) requiring longer term absences from the University.

Furthermore, faculty who are currently asking for medical excuse notes are already making accommodations for students who do provide them—a policy that prohibited the use of such notes would simply extend those pre-existing accommodations to students without the intermediary and problematic role of a health care provider.

Implementation of such a policy will have meaningful impacts on virtually every classroom across campus, and Faculty Senate and ASUW leadership have identified several key areas that should be addressed to assure the success of a restrictive medical excuse note policy:

1) Communication of policies to students;
2) Protecting students who are asked to provide notes;
3) Communication of policies to current and future faculty;
4) Development of best practices guidelines;
5) Gaming;
6) Disproportionate faculty burden;
7) Additional workload;
8) Faculty rights and authority.

With these issues in mind, and in the interest of supporting faculty efforts to change these policies, we offer the following Class C resolution.

WHEREAS existing UW policy (SGP, Chapter 112) states that students who are “absent from any examination or class activity through sickness or other cause judged by the instructor to be unavoidable” shall be given an opportunity to take a rescheduled examination or perform work judged by the instructor to be the equivalent”; and
WHEREAS thousands of UW students are asked annually by faculty members to provide documentation from a medical professional to justify the “unavoidable” nature of short-term illnesses; and

WHEREAS students who seek support from medical care providers purely to obtain such documents at the request of a faculty member have been pressured into entering into a provider-patient relationship without necessarily possessing an immediate medical need; and

WHEREAS providers in most cases of short-term illness must rely on patient descriptions of the symptoms of an illness that has already resolved itself, with no existing physical evidence or symptoms for the provider to evaluate; and

WHEREAS students who see a provider to get a medical excuse note experience pressure to describe their symptoms in such a way that the provider generates a note, resulting in exaggeration of symptoms and possible testing or procedures that may be costly and physically harmful; and

WHEREAS providers are trained to be advocates for their patients, and as a practical matter generate medical excuse notes on request almost 100% of the time, resulting in no meaningful check on student behavior; and

WHEREAS many UW students turn to the student-supported Hall Health Center to acquire medical excuse notes, diminishing access for those who have more pressing medical needs to seek care and resulting in a wasteful use of expensive and limited health care staff time and resources; and

WHEREAS students who are uninsured/underinsured, including low income students, DACA students, and minority students are at a financial disadvantage when seeking medical care, so that faculty policies requiring students to seek medical care for administrative reasons place a meaningful financial burden on these students, and affect students in extremely unequal, undesirable, and ultimately unjust ways; and

WHEREAS requiring medical or legal documentation of absence places a burden on faculty, in that the Health Insurance Portability and Accountability Act of 1996 (HIPAA) imposes legal requirements upon those who possess the medical information of others,

BE IT RESOLVED that instructors are strongly discouraged from requiring professional medical or legal documentation from a student in determining whether or not to grant accommodations for student absences due to short-term medical causes; and

BE IT FURTHER RESOLVED that the Faculty Senate endorses a timely revision of Chapter 112 of the UW’s Student Governance and Policies to specifically prohibit members of the faculty from requiring such documentation from medical professionals; and

BE IT FURTHER RESOLVED that the Faculty Senate, in coordination with the Faculty Council on Academic Standards, the Faculty Council on Student Affairs, and the Faculty Council on Teaching and Learning develop guidance and curricular support to strengthen student-faculty communication concerning
student absences, ensure the academic integrity of student work, and promote the health and well-being of all UW students.

Signators

Chris Laws, Chair FCSA

Thomas Halverson, Chair FCTL