



November 16, 2021

Chief Commissioner Patricia DeGuire
Ontario Human Rights Commission
180 Dundas Street West, 9th Floor
Toronto, ON M7A 2G5

Dear Chief Commissioner DeGuire,

Re: *University-Mandated Leave of Absence Policy* review

I am writing on behalf of the University administration with respect to your letter of November 8, 2021, regarding the University's current review of the *University-Mandated Leave of Absence Policy* (the *Policy*).

The University appreciated the feedback provided by the OHRC during the original drafting and approval of the *Policy*. As part of that process, the University engaged in a robust consultation process and took into consideration comments received from various sources, including students, staff, faculty, experts in postsecondary student mental health, and the OHRC. The University also obtained external expert legal review of the draft *Policy* and our human rights obligations under the *Ontario Human Rights Code*. We believe that the current *Policy* is fully compliant with the *Ontario Human Rights Code* and addresses the concerns raised by the OHRC in January and May 2018.

Prior to its formal approval by University governance, revisions were made to the *Policy* to address concerns raised by the OHRC and to reinforce the principle that the application of the *Policy* remains subject to the duty to accommodate to the point of undue hardship. Accommodation is considered and available throughout the process, including when students are ready to return to their studies.

The University has a duty to protect the health and safety of all members of our community. The *Policy* is intended to provide compassionate and non-punitive options for students who are exhibiting serious and concerning behaviour that threatens their own or others' safety, or results in negative and material impacts on the learning environment of others.

Although the *Policy* is deployed rarely¹, it provides important protections for students – including facilitating the provision of services and supports to enhance opportunities for affected students to be successful in their university education. When the *Policy* is invoked, students’ access to essential supports is not restricted. Rather, the student is assigned a Case Manager and a Student Support Team is established to ensure that the student is fully supported in accessing services and supports, both internal and external to the University, that are appropriate to their individual circumstances. To this end, the University has arranged for tuition refunds, ongoing access to health and wellness services, continuation of health and dental benefits through respective student societies, temporary and long-term housing, and arrangements to maintain academic progress to support students going through this leave process. All Student Support Teams have included a licensed Psychiatrist with expertise in postsecondary student mental health. The University Ombudsperson has reviewed the handling of the cases where the *Policy* has been deployed and has confirmed that they have been handled fairly, with strict adherence to the *Policy*, as well as with compassion².

Outside of the *Policy*, several academic divisions across the University have established voluntary leave policies for international students, providing them an opportunity to take a temporary leave from their studies without compromising their student visas.

The University is committed to the principles of equity and inclusion as foundational values which underpin all of our policies and practices. We recognize the need to ensure that students who identify with multiple intersecting protected grounds under the Ontario Human Rights Code are not adversely impacted by the application of the *Policy*. Due to the small number of students who have been placed on a leave under the *Policy*, we have been unable to release demographic information without the risk of identification. However, as the *Policy* enters its fourth year of existence, we anticipate that we will be able to provide aggregate demographic data moving forward. Since accommodations and consideration under the *Policy* are all approached on an individual basis reflecting the circumstances of the student, intersectional issues can be identified and addressed on a case-by-case basis.

The University is aware that some students and community members continue to have questions and concerns about the scope and application of the *Policy*. As you have noted in your letter, in February 2021, the University launched a review in accordance with paragraph 79 of the *Policy*, which states that “The Provost undertakes to review the policy in the third academic year of its operation, and to report to the Governing Council about that review.” The Reviewers were

¹

	2018-19	2019-20	2020-21	Total
University-Mandated Leaves of Absence	6	1	4	11
Voluntary Leaves	2	0	0	2
Totals	8	1	4	13

Annual Report on the *University-Mandated Leave of Absence Policy* - [2018-2019](#), [2019-2020](#), [2020-2021](#)

Total student enrolment for the University of Toronto for Fall. 2020-2021 was 95,055.

² [University of Toronto Office of the Ombudsperson 2019-2020 Annual Report](#)

carefully selected for their demonstrated commitment to student engagement, support, and inclusion; their deep knowledge of the complex structure of the University of Toronto; and their current positions which are external to the development or implementation of the *Policy*.

The scope of the review, as outlined on the online consultation website³, includes:

- Analysis of the intended purpose of the *Policy* and the extent to which the *Policy* and its application to date align with that purpose.
- Review of the definition of terms for clarity and consistency.
- Assessment of the steps outlined for invoking the *Policy* for clarity, consistency, and the extent to which they align with the compassionate intent of the *Policy*.
- Consideration of the extent to which the *Policy* is understood by students, staff, and faculty across the University.
- Consideration of any unintended outcomes of the *Policy*.
- Evaluation of the annual reporting and periodic review requirements.

The Reviewers are engaging in a robust consultation process designed to gather input from students, staff, and faculty across the three campuses. To date, the consultation process has included:

- Four virtual town halls that were open to all members of the University community.
- Individual meetings with the five student unions that represent all students at U of T, in addition to several other student organizations.
- Five student-led consultation sessions hosted by the Student Life Innovation Hub.
- Review of data related to the *Policy* previously collected by the Student Life Innovation Hub through consultations that took place as part of the 2019 *Presidential and Provostial Task Force on Student Mental Health*.
- Meetings with staff and faculty across all three campuses, including counselors, physicians, crisis response staff, equity officers, Deans of Students, Registrars, Academic Deans, Principals, mental health experts, and other senior administrators.
- Consultation with the University Ombudsperson.
- An online consultation form, which has been available through the consultation website to all members of the University of Toronto community since the launch of the review, and will remain open until November 30, 2021.

The Reviewers considered research and other materials related to university and college leaves of absence and mental health. They also attended workshops on this issue sponsored by Active Minds, a US non-profit organization “supporting mental health awareness and education for young adults.” We also note that some student organizations/unions submitted their own recommendations to the Reviewers as part of the consultation process.

³ <https://consultations.students.utoronto.ca/review-of-the-university-mandated-leave-of-absence-policy/>

Beginning in mid-November, the Reviewers will be attending a series of University governance meetings across the three campuses to share the themes that have emerged from their consultations and their preliminary recommendations for information and discussion. Each of these governing bodies includes student representation and, as always, students are welcome to submit a request to speak. The process and timeline for the review, including the governance path, have been shared with student unions through multiple channels including at their regularly scheduled meetings with the Vice-Provost, Students. The timeline for the review has been extended twice in response to requests from student societies to ensure they had adequate opportunity to consult their members and submit their feedback.

The key themes and the preliminary recommendations from the review are publicly available on the Governing Council website⁴

At the conclusion of the consultation process in late December, the Reviewers will finalize their recommendations. Following careful consideration of their recommendations, any resulting amendments to the *Policy* are expected to move through the University governance process for ultimate consideration for approval later in the new year. This will provide an additional opportunity for feedback from members of the University community, including students. As we have done in the past, the *Policy* and any proposed amendments will be reviewed by both internal and external legal counsel with expertise in human rights law.

I appreciate you sharing your further questions related to the *Policy*; the University will consider them carefully as we contemplate any possible amendments.

Sincerely,



Trevor Young
Acting Vice-President and Provost

cc: Meric Gertler, President
Brian Lawson, Chair, Governing Council
Timothy Harlick, Secretary, University Affairs Board
Hon. Doug Downey, Attorney General
OHRC Commissioners

⁴ https://governingcouncil.utoronto.ca/system/files/agenda-items/2021115_UTSCcc_06.pdf