

WAC 172-135-030 Risk of health, danger, or disruption. (1) Upon notification of a serious health or safety concern involving a student, the dean will make an individualized assessment of whether a student should be placed on a mandatory medical leave of absence. The dean may require a student to take a medical leave of absence if all of the following elements are met:

(a) A student has a physical, emotional, or psychological condition;

(b) As a result of such condition:

(i) Is not meeting the essential function requirements for a student as set forth in WAC 172-135-020 Definitions;

(ii) 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 others or actual risk to his or her own health, safety or welfare, based on an individualized assessment of current medical knowledge or the best available objective evidence, to ascertain: 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; or

(iii) 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.

(c) There are no reasonable accommodations that would permit the student to continue participating in the university community without taking a leave of absence or the student has rejected all reasonable accommodations offered by the university and cannot meet the essential function requirements for a student.

(2) In determining whether a student should be placed on a mandatory medical leave of absence, the dean should consult with the director of CAPS, and, where possible, other persons who can provide relevant information about a student's condition and recent behaviors. The dean should consider whether the student could be provided with any reasonable accommodations that would allow the student to perform the essential function requirements of a student and whether there are other conditions that could be imposed on the student to address the health and safety concerns.

(3) While the dean is gathering all of the relevant information, the dean may issue interim conditions on the student's attendance, campus participation, or ability to reside on campus. The dean may require a student to timely provide documentation from a treating medical provider that the student is able to perform the essential function requirements for a student before lifting the interim conditions. The dean will respect the student's confidentiality and will only require a release of medical information for access to the student's medical and mental health records as is reasonably necessary to complete the dean's individualized assessment. Before requesting such a release, absent exigent circumstances, the dean or designee will explain the individualized assessment process and appeal rights to the student in a mode of communication accessible to the student.

(4) Prior to the dean requiring a student to take a medical leave of absence, the student shall be provided, where reasonably possible, with an opportunity to present information about his or her circumstances and/or treatment, where reasonably possible, to the dean. The dean will discuss with the student the option of pursuing a voluntary withdrawal in lieu or proceeding with the process for a mandatory medical leave of absence. The student waives his or her opportunity to

provide information to the dean if he or she is unwilling or unable to meet with the dean in a timely manner, or is unable or unwilling to provide written documentation or a release to the dean.

[Statutory Authority: RCW 28B.35.120(12) and 42.56.070. WSR 18-21-033, § 172-135-030, filed 10/5/18, effective 11/5/18.]