

# Title 174 WAC

## EVERGREEN STATE COLLEGE, THE

### Chapters 174-125 Required and emergency medical leave of absence.

#### Chapter 174-125 WAC

#### REQUIRED AND EMERGENCY MEDICAL LEAVE OF ABSENCE

#### WAC

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**WAC 174-125-010 Issuing a required medical leave of absence.** (1) The dean of student and academic support services, or the dean's designee, (hereinafter collectively referred to as the "dean") may require a student to take a medical leave of absence if a student has a physical illness or a mental, emotional or psychological condition and as a result of the condition:

(a) Is engaging in, or is threatening to engage in, behavior that poses a significant danger of causing substantial harm to the health, safety or welfare of the student or others; or

(b) The student's behavior has resulted in substantial harm to the health, safety, or welfare of the student, or others and the behavior continues, or there is a risk the behavior will continue, posing a significant danger of causing substantial harm to the health, safety, or welfare of the student or others; or

(c) The student's behavior has resulted in significant disruption of the teaching, learning or administrative activities of other members of the campus community and the behavior continues, or there is a risk the behavior will continue, with the likely result of such behavior substantially impeding the education processes or proper activities or functions of the college and its personnel.

(2) In determining whether to require a student to take a medical leave of absence, the dean shall consult with the director of health and counseling services, or the director's designee (hereinafter collectively referred to as "director of health and counseling services") and, where possible, other persons who can provide relevant information about a student's condition.

(3) Prior to the dean requiring a student to take a medical leave of absence, the student shall be provided an opportunity to present information about his or her circumstances, where reasonably possible, to the dean. A student waives their opportunity to provide information if he or she is unwilling or unable to meet with the dean in a timely manner.

(4) The dean shall issue the required medical leave of absence in writing to the student. The written notice shall include the effective date of the leave, the reasons for requiring the leave, the conditions for reenrollment, and any restric-

tions imposed on the student's access to the campus or college-sponsored activities.

(5) The required medical leave of absence shall be effective twenty-one days after it is served on the student, unless the student files a timely written appeal of the dean's decision as set forth in these rules. Service of the dean's decision shall be complete upon deposit in the United States mail to the student, postage prepaid and properly addressed to the student at the last known address on file with the registrar's office, or by personal service on the student.

[Statutory Authority: RCW 28B.40.120. 09-19-096, § 174-125-010, filed 9/18/09, effective 10/19/09.]

**WAC 174-125-015 Appealing a required medical leave of absence.** A student may appeal the dean's decision imposing a required medical leave of absence to the medical leave of absence review board (review board). The appeal must be submitted in writing to the vice-president for student affairs within twenty days of service of the dean's decision.

[Statutory Authority: RCW 28B.40.120. 09-19-096, § 174-125-015, filed 9/18/09, effective 10/19/09.]

**WAC 174-125-020 Hearing an appeal of a required medical leave of absence.** (1) Upon receipt of a timely appeal by a student of the dean's decision imposing a required medical leave of absence, the vice-president of student affairs, or the vice-president's designee, (hereinafter collectively referred to as the "vice-president") shall convene the review board to hear the appeal. The review board may:

(a) Affirm the dean's decision;

(b) Affirm the dean's decision but alter the disposition from imposition of a required medical leave of absence to conditional enrollment under specified directives; or

(c) Reverse the dean's decision allowing the student to remain enrolled without restriction.

(2) The review board's decision shall be in writing and served on the student within seven business days of the hearing. Service of the decision shall be effective upon deposit in the United States mail to the student, postage prepaid and properly addressed to the student at the last known address on file with the registrar's office, or by personal service on the student.

(3) The review board shall be composed of at least three members drawn from a pool of academic deans and staff members not reporting to the dean who have been identified by the president. The president shall select one of the members to act as the chair at the hearing.

(4) The vice-president shall notify the student in writing of the time, date, and location of the hearing.

(5) The review board shall conduct the hearing according to the Administrative Procedure Act, chapter 34.05 RCW.

(6) The chair of the review board may order the hearing closed to public observation as necessary to protect from disclosure medical or educational records held to be confidential under state or federal law.

[Statutory Authority: RCW 28B.40.120. 09-19-096, § 174-125-020, filed 9/18/09, effective 10/19/09.]

**WAC 174-125-025 Emergency medical leave of absence.** (1) The dean may immediately require a student to

take an emergency medical leave of absence if the student has a medical, or mental, emotional or psychological condition and as a result of the condition:

(a) The student is engaging in, or threatening to engage in, behavior that poses a significant danger of causing imminent and substantial harm to the health, safety, or welfare of the student, or others; or

(b) The student's behavior has resulted in substantial harm to the health, safety, or welfare of the student, or others and the behavior continues, or there is a risk the behavior will continue, posing a significant danger of causing imminent and substantial harm to the health, safety, or welfare of the student, or others; or

(c) The student's behavior has resulted in significant disruption of the teaching, learning or administrative activities of other members of the campus community and the behavior continues, or there is a risk the behavior will continue, with the likely result of such behavior imminently and substantially impeding the education processes or proper activities or functions of the college and its personnel.

(2) A decision by the dean requiring a student to take an emergency medical leave of absence shall be in writing and served on the student. The decision shall set forth the reasons for requiring the leave, and as appropriate, any restrictions imposed on the student's access to the campus or college-sponsored activities. Service of the decision shall be effective upon deposit in the United States mail to the student, postage prepaid and properly addressed to the student at the last known address on file with the registrar's office, or by personal service on the student.

(3) A student subject to an emergency medical leave of absence shall be provided a hearing before the vice-president to appeal the dean's decision. The hearing shall occur within three business days of the student being served with the dean's decision imposing the emergency medical leave of absence unless a student elects to waive his or her right to a hearing. Except as otherwise provided herein, the process for conducting the hearing before the vice-president shall be as per the Administrative Procedure Act, chapter 34.05 RCW.

(4) An emergency medical leave of absence shall take effect immediately and remain in effect until the review board's decision is issued regarding an appeal of a required medical leave of absence, unless the dean decides that the reasons for the emergency medical leave of absence no longer exist.

[Statutory Authority: RCW 28B.40.120. 09-19-096, § 174-125-025, filed 9/18/09, effective 10/19/09.]

**WAC 174-125-030 Returning from a required medical leave of absence.** (1) A student wishing to be considered for reenrollment to the college shall submit an application for reenrollment to the dean at least one month prior to the start of the quarter in which the student wishes to reenroll. The student shall provide appropriate documentation with any conditions for reenrollment set forth in the dean's decision. If a student files an appeal of the dean's decision, and the conditions for reenrollment are modified by the review board, the student shall provide evidence that the conditions set forth in the review board's order have been met. A student must also meet all other admission or enrollment requirements of the college for reenrollment.

(2) The dean shall consult with the director of health and counseling prior to determining if the student may reenroll.

(3) The dean shall notify the student in writing of the decision and the conditions associated with the approval or denial for reenrollment.

[Statutory Authority: RCW 28B.40.120. 09-19-096, § 174-125-030, filed 9/18/09, effective 10/19/09.]