

SOUTHWESTERN

LAW SCHOOL Los Angeles, CA

Student Health-Related Leave of Absence and Return Policy

Administrative policy approved December 2, 2024. Effective immediately.

Revision history: None; new policy.

Related policies and forms: Disability Accommodations Policy (Including Standards for the Study of Law); Student Honor Code; Federal Financial Aid Eligibility Policy; Financial Aid Satisfactory Academic Progress Policy; Return of Title IV Funds Policy; Incomplete Grade Policy; Academic Policies and Procedures; SCALE Program Policies, Student Records Policy – FERPA; Voluntary Health-Related Leave of Absence Request Form; Student Readiness to Return Form; Request to Re-Enroll Form

Scheduled Review Date: June 2026 (Student Services Office)

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A. Overview and Scope

Southwestern Law School encourages students to prioritize their health and safety and take steps toward recovery, even if they must delay their academic progress.

Southwestern provides two types of health-related leaves: a Voluntary Health Leave of Absence (VHLA) and a Mandated Health Leave of Absence (MHLA). This policy describes both health-related leaves and the process for returning from them. It also describes an Interim Health Restriction and when one may be imposed. These leaves apply to all Southwestern programs, whether residential or online.

B. Health Leave Coordinator

Each student requesting a health-related leave will be assigned a Health Leave Coordinator from the Student Services Office who will administer the leave and support the student through the administrative and logistical issues associated with the leave, possible appeal, and return processes. A Health Leave Coordinator will work with the student, their healthcare providers, and other appropriate professionals and campus

officials to develop a leave of absence plan. This plan will address the student's needs and the considerations of the Southwestern community.

C. Voluntary Health Leave of Absence (VHLA)

A VHLA is a temporary and voluntary leave from Southwestern due to a student's own health needs. A VHLA is available when a student's health condition significantly interferes with their ability to function successfully within Southwestern's programs. Typically, a VHLA lasts for one full term (e.g., a semester or SCALE quarter) or one academic year. Although a VHLA typically will not exceed one academic year, the Associate Dean for Student Services may extend the leave when the student provides sufficient documentation supporting the continuation. This policy does not apply to a student requesting a leave of absence due to another person's health-related issue; for those situations, students should follow the General Leave of Absence Information section of the Academic Policies and Procedures.

1. Requesting a VHLA

A student may request a VHLA after they have completed at least one full semester or, for SCALE students, at least Quarter 1. A student who does not meet this threshold may withdraw from Southwestern and reapply at a later date.

Only a student in good academic standing is eligible for a VHLA unless the Associate Dean for Students Services grants special permission. A student involved in a potential disciplinary process, on academic probation, or facing academic disqualification may still request a VHLA, although Southwestern will make an individualized determination in consultation with the student about whether the discipline or academic process should proceed or wait for the student's return.

An eligible student may request a VHLA by (i) speaking with the Associate Dean for Student Services, who will assign a Health Leave Coordinator and (ii) completing the Voluntary Health-Related Leave of Absence Request Form.

If the student cannot meet with the Health Leave Coordinator or complete the Voluntary Health-Related Leave of Absence Request Form due to an emergency like hospitalization or inability to function independently, a parent, spouse, guardian, or individual holding a power of attorney that covers health decisions may do so on the student's behalf.

The deadline to apply for a VHLA is the last day of the term, as specified in the academic calendar. A VHLA request made after the student has completed the term will be considered for the upcoming term.

The Associate Dean for Student Services will provide the student (or the person acting on the student's behalf) with their assigned Health Leave Coordinator's name and contact information.

The Health Leave Coordinator will review the completed form and forward the request with a recommendation to the Associate Dean for Student Services. If approved by the Associate Dean for Student Services, the Associate Dean will notify the student and forward the form to the Registrar's Office for processing.

The Health Leave Coordinator and other Southwestern personnel will exercise discretion in sharing with each other only the minimum details about the student's medical condition as necessary to facilitate the student's health-related leave or to protect the Southwestern community's health, safety, or educational interests. In some situations, the student may be asked to sign a release that will permit the Health Leave Coordinator to communicate with the student's healthcare providers during the student's leave or facilitate internal discussions about implementing the student's health-related leave.

2. Creating a VHLA plan

After the Associate Dean for Student Services approves a VHLA, the student and the Health Leave Coordinator will create an individualized health-related leave plan that the student will complete while on leave or as otherwise set forth in the plan. The plan may refer to medical treatment recommended by the student's healthcare provider and other requirements to return to Southwestern, such as how incomplete grades will be resolved and recertifying admission application certifications and representations (e.g., criminal record). Whether the student completed the plan is a factor Southwestern will consider when a student seeks to return to Southwestern after the leave.

3. Additional components of the VHLA process

A student who is taking a VHLA must (i) complete an exit interview with the Student Services Office and (ii) complete meetings with the Financial Aid Office and the Accounting Office to discuss tuition payment consequences, if any.

If the student cannot complete these components of the VHLA, the Associate Dean for Student Services may delay or waive them or allow the person approved to act on the student's behalf to complete the meetings.

D. Interim Health Restriction

The Associate Dean for Student Services, Vice Dean, or Dean may institute an Interim Health Restriction upon a student's health-related hospitalization or emergency or during a health-related evaluation period. In addition, the senior Southwestern official, using their professional judgment and considering all reasonably available information, may institute an Interim Health Restriction when they determine that the student presents a substantial threat of immediate harm to themselves or others within the Southwestern community.

This interim period allows a student to receive needed medical or psychological care and for all parties to consider an evaluation of readiness to remain at Southwestern. Except

with the advance written permission of the Associate Dean for Student Services, Vice Dean, or Dean, a student placed on an Interim Health Restriction is temporarily not allowed to participate in any Southwestern-sanctioned events or activities on or off campus, attend or participate in any Southwestern class, participate in academic, co-curricular, or extracurricular activities and on-campus employment, reside in or visit The Residences, or be on campus. A student on an Interim Health Restriction will retain access to their Southwestern email. The Associate Dean for Student Services, Vice Dean, or Dean will determine whether a student on an Interim Health Restriction may retain access to Canvas.

Southwestern will notify a student placed on an Interim Health Restriction in writing. The written notice will include the reason(s) why the Interim Health Restriction is being instituted and a copy of or link to this policy.

The student may request an opportunity to meet with the Vice Dean to discuss the basis for the Interim Health Restriction and the reliability of the information concerning the basis for the Interim Health Restriction. The Vice Dean will meet with the student within two business days of receiving the meeting request; the Vice Dean may determine whether the meeting will be in person or via Zoom and if other members of Southwestern's senior leadership should participate.

Following this meeting, the Vice Dean may continue, modify, or cancel the Interim Health Restriction. The Vice Dean should consult with the Dean before communicating a decision to the student. Regardless of the Vice Dean's decision, other procedures in this policy may continue.

An Interim Health Restriction may remain in effect until Southwestern completes the process for a Mandated Health Leave of Absence or other action. The Vice Dean or Dean has the discretion to cancel the Interim Health Restriction at any time based on new information received.

Given implications for federal financial aid, the Interim Health Restriction cannot last for more than 14 calendar days from the student's last day of class attendance. Thereafter, the student must choose a VHLA, be placed on an MHLA, or be allowed to return to class.

E. Mandated Health Leave of Absence (MHLA)

An MHLA is designed to assist in the following situations:

- When a student presents a substantial risk of harm to self or others or has engaged in threatening or violent activities;
- When a student significantly disrupts the educational and other activities of the Southwestern community and that disruption is deemed to be related to a health condition; or
- When a student is unable or unwilling to carry out substantial self-care obligations.

A student in one of the above-listed situations should be referred to the Associate Dean for Student Services, who will work with the Vice Dean to assess the student's situation and determine how Southwestern will proceed. In the circumstances listed above, the Vice Dean or Dean may determine that a student must take an MHLA before they can function productively within the Southwestern community.

Any Southwestern community member with reason to believe that a student poses a violent threat or a threat to public safety should contact Campus Security or the local police department.

An MHLA is an administrative and safety process, not a disciplinary process. This policy is not intended to be punitive or replace disciplinary actions under the Student Honor Code or other policies or directives. This policy does not preclude the removal or dismissal of students from Southwestern programs because of violations of other Southwestern policies. Nothing in this policy relieves a student of any financial obligations to Southwestern that were in place when an MHLA was imposed.

Typically, an MHLA will be instituted for one or more full terms (e.g., a semester or a quarter for SCALE students) or one academic year.

A student placed on an MHLA while on academic or disciplinary status will return on that same status.

1. Notification

If, after conferring with the Associate Dean for Student Services, the Vice Dean or Dean determines that Southwestern will consider placing the student on an MHLA, the Associate Dean will notify the student in writing. The written notice will include the reason(s) why the MHLA is being considered and a copy of or link to this policy. The written notice will include a deadline to respond; after that date, the school may decide whether to impose an MHLA. When reasonably possible, the student may confer with the Student Services Office to provide additional information for consideration. A member of the Student Services Office may meet with the student, but a meeting at this point is not required.

2. Assessment

In determining whether the student presents a serious health or safety threat, the Student Services Office will assess the student's situation by considering factors such as the following:

- the nature, duration, and severity of any risk;
- the probability that potential injury or harm will occur;
- whether the student substantially impeded the educational process or functions of other members of the Southwestern community; and
- whether reasonable modifications of policies, practices, or procedures might significantly mitigate the risk.

a. *Evaluation*

As part of this individualized assessment, if the Student Services Office believes it will facilitate a more informed decision, Southwestern may require the student to undergo an evaluation, including a medical or psychological evaluation, by an independent and objective healthcare professional designated by Southwestern and at no cost to the student. The student will be directed to share the Standards for the Study of Law to the provider. The student may also be required to execute necessary releases so that the report from the evaluation may be provided to appropriate Southwestern administrators. Southwestern may also request that the student execute releases for other outside health records as part of the evaluation process. If a student refuses to execute a release or respond within the timeframe set by the Student Services Office, the Student Services Office may proceed with the assessment based on information in its possession.

b. *Student information*

The Student Services Office will consider any medical or other relevant information submitted by the student, including but not limited to a medical or psychological evaluation by a healthcare professional of the student's choice.

The Student Services Office will give significant weight to the opinion of the student's treatment provider(s) regarding the student's ability to function academically and safely at Southwestern with or without reasonable accommodations. If the Student Services Office determines that the information provided by the treatment provider(s) is incomplete, requires further explanation or clarification, or is inconsistent with other information in the student's record, the Student Services Office may ask the student to provide additional documentation from the healthcare professional or, if the student provides proper authorization, the Student Services Office may contact the treatment provider(s) to obtain additional information.

c. *Reasonable accommodation*

Inherent to the decision-making process is Southwestern's commitment to consider an individual's past and ongoing condition, which may have contributed to the risk of harm. The Student Services Office may seek the assistance of other resources, as needed, to determine if the student is a qualified individual with a disability and whether a reasonable accommodation will allow that student to meet their essential academic and other Southwestern community responsibilities while abating the risk of harm and maintaining a safe environment for all students. This determination will also evaluate whether the accommodation can be

provided without fundamentally altering the essential functions of the educational program provided by Southwestern, lowering academic standards, or creating an undue hardship for Southwestern.

d. Other resources

The Student Services Office will also confer, as feasible and when appropriate in a particular matter, with individuals regarding the need for an MHLA. Although each case will vary, conferring individuals could include (i) the Vice Dean, (ii) the Associate Dean of a program in which the student is enrolled (e.g., Online or SCALE), (iii) faculty members, (iv) with appropriate authorization, the student's treatment provider(s) or other healthcare professionals, (v) members of Southwestern's behavioral intervention team, (vi) a resource with expertise in mental health disabilities, and (vii) other individuals as may be appropriate in a particular matter.

3. Determination

In consultation with the Student Services Office, the Vice Dean, and Dean will review the relevant documentation and available information and decide how to proceed. The decision may include the following:

- that the student remains enrolled with no conditions;
- that the student remains enrolled subject to conditions (including a description of those conditions); or
- that the student be placed on an MHLA.

a. Enrolled subject to conditions

If Southwestern allows the student to remain enrolled subject to conditions, then the student's failure to comply with the conditions may, after appropriate consideration, result in the imposition of an MHLA. If a student is permitted to remain enrolled subject to conditions, the Vice Dean will inform the student in writing of the effective date and the duration of the modified attendance.

b. MHLA

If Southwestern requires an MHLA, the Vice Dean will inform the student in writing of the leave decision and the basis for the decision, the effective date of the leave, the length of the leave, and conditions or requirements for return (if applicable). The length of the leave will be determined on an individual basis. The written notice will include information about the student's right to appeal.

F. Possible Actions

In responding to a situation listed in **Section E**, Southwestern reserves the right to determine appropriate responses including, but not limited to, the following options:

- Allow the student to remain in school but require a specific mental or physical health evaluation within a certain period (typically 10 days) by a provider designated or approved by Southwestern at no cost to the student. The student may also be required to execute necessary releases so that the report from the evaluation may be provided to appropriate Southwestern administrators. Southwestern may also request that the student execute releases for other outside health records as part of the evaluation process. Evaluation results will be provided to the Associate Dean for Student Services, who will determine next steps.
- Invoke an Interim Health Restriction or MHLA.
- Notify the student's designated emergency contact and appropriate Southwestern officials about a mental or physical health or safety emergency. Notifications are made on a need-to-know basis.

A student typically will be allowed to take a VHLA before Southwestern initiates an Interim Health Restriction or MHLA process.

Nothing in this policy limits the power of Southwestern to take administrative action to ensure the safety of the Southwestern community.

G. Implications of a Health-Related Leave

This Section applies to a VHLA or MHLA unless a specific provision is expressly limited to one type of health-related leave.

1. Association with Southwestern

Unless expressly permitted by the Vice Dean or Dean for a MHLA or the Associate Dean for Student Services for a VHLA, except to attend a meeting or hearing related to their case, a student on a health-related leave will not be permitted to be on campus or participate in any Southwestern-sanctioned events or activities on or off campus, attend or participate in any Southwestern class, participate in academic, co-curricular, or extracurricular activities and on-campus employment. Southwestern's foremost goal for students on a health-related leave is to allow the student to address the medical condition that caused the health-related leave. A student on a health-related leave will retain access to their Southwestern email.

2. Leadership positions

A student on a health-related leave cannot participate or hold a leadership position in a Southwestern student organization or Honors Program during the leave period.

3. Services and student status

Students on a health-related leave typically retain their admitted student status; however, they are not registered and do not have the rights and privileges of registered students. For example, students on a health-related leave will not have access to the Career Services Office, including Symplicity, individual career counseling, on-campus interviewing, and on- or off-campus Career Services Office events or programs. Students on a health-related leave will have access to BisonCares and, subject to eligibility and payment requirements, student health insurance. Exceptions to this general rule will be addressed on a case-by-case basis by the Vice Dean for an MHLA and the Associate Dean for Student Services for a VHLA.

4. Transcript notation

The notation "Leave of Absence" will be entered on the student's transcript. The student will receive a "W" on their academic transcript if the health-related leave is taken after the add/drop period. If the health-related leave occurs during the add/drop period, the student will be dropped from classes without any notation on the transcript of having left for health reasons. Thus, a health-related leave will not affect the student's grade point average.

5. Character-and-fitness certification

Southwestern may report a student's health-related leave to any board of bar examiners that a student applies for if required in response to character-and-fitness certification questions of that jurisdiction.

6. Tuition, financial aid, and scholarships

A portion of the tuition paid by the student for courses not fulfilled during the term in which the health-related leave occurs may be refunded per Southwestern's Student's Right to Cancel and Tuition Refund Policy and Return of Title IV Funds Policy, if applicable. Southwestern will send any refunds not required to be returned to the Department of Education to the student via direct deposit. Subject to the specific terms of the scholarship, if a student goes on a health-related leave, Southwestern will reinstate their scholarship if they return to Southwestern and are still eligible for it. A student on a health-related leave will not receive a class rank for the year of the leave and will not be considered for Dean's Merit Scholarships.

7. Housing

Unless expressly permitted by the Vice Dean for an MHLA or the Associate Dean for Student Services for a VHLA, if the student resides in The Residences, Southwestern may terminate the lease according to the terms and conditions of the lease and provide notice to vacate to the student. Southwestern may also prohibit the student from visiting The Residences. Students may be eligible to receive refunds of portions of their housing charges. The Vice Dean and the

Associate Dean for Student Services will consult with the Chief Operating Officer when considering exceptions to this section.

8. Incomplete grade

A health-related leave may extend the time period of an Incomplete grade if approved by the Vice Dean for an MHLA and the Associate Dean for Student Services for a VHLA.

H. Process for Returning from a Health-Related Leave

This Section applies to returning from a VHLA or MHLA unless a specific provision is expressly limited to one type of health-related leave.

1. Student responsibilities

Students who wish to return from a health-related leave must demonstrate that they can safely resume their program and not disrupt the community. Students must be well enough to carry out substantial self-care obligations and participate meaningfully in their educational activities. Southwestern will consider whether the student has completed their leave plan when evaluating readiness to return.

A student seeking a return from a health-related leave must take the following steps:

a. Request to return

Typically, a student will not be allowed to return until the full leave period has elapsed and the student has met all conditions and requirements of the leave plan.

To return from a health-related leave, a student must submit (i) a Student Readiness to Return Form completed by their treating provider(s) to the Health Leave Coordinator; and (ii) a completed Request to Re-Enroll Form.

To return from an MHLA, the student must write a personal statement describing what the student did while on leave; what the student perceives were the reasons for the leave; and what changes, if any, the student plans to implement that will allow the student to safely and effectively meet the requirements of their academic program. The student must also describe how they have satisfied all conditions for return and must submit an updated resume with the statement.

To allow ample time for the review process, the deadlines to submit the Student Readiness to Return form, Request to Re-Enroll Form, and personal statement with resume (for a MHLA) to the Student Services Office are as follows:

- October 31 for possible return for the January intersession, spring semester, or SCALE Quarter 7;

- February 15 for possible participation in the London Study-Abroad Program;
- April 15 for possible return for the regular summer session;
- June 30 for possible return for SCALE Quarter 5 or the fall semester; or
- Thirty calendar days for possible return for any other term or SCALE period.

If the student submits all needed materials outside these deadlines, Southwestern will attempt to be flexible and review the student's request to return for the desired semester, period, or term. But an expedited review is not guaranteed.

b. *Additional information about student readiness*

Depending upon the nature and individual circumstances of the health-related leave, the Student Services Office may request additional information demonstrating that the student has reasonable capability of day-to-day functioning, with or without accommodations. The decision to require a student to provide this information will be made on an individualized basis and conveyed to the student in writing, along with an explanation about why the information is needed. The student may also voluntarily submit this information with their other materials.

A student might be able to demonstrate their day-to-day functioning in various ways. For example, a student may provide documentation from a reliable community observer who can comment on their activities and readiness to resume their studies. A reliable community observer could be a mentor, a member of the clergy, a work or community service supervisor, co-worker, personal trainer, athletic coach, or some other individual in a position to have observed the student during the leave and who is not related to the student by blood, marriage, or law. Where possible, the letter should be submitted on letterhead stationery, signed, dated, and describe the student's daily activities and the extent to which the writer feels the student is ready to resume studies and participate productively at Southwestern. Alternatively, a student may provide the name and contact information of a reference who can provide information concerning the student's daily activity and readiness to resume studies. The student need not disclose the reason for the leave of absence to the letter writer or reference.

2. *Review by the Student Services Office*

The Student Services Office gives significant weight to the documented opinion of the student's treatment providers regarding the student's ability to function academically and safely at Southwestern with or without accommodations. When

reviewing a request to return, if the Student Services Office determines that information provided by the treatment provider is incomplete, requires further explanation or clarification, or when there is a disconnect between the medical information provided by the treatment provider and other information in the student's files, the Student Services Office will, if the student provides proper authorization, contact the treatment provider to obtain additional information. In extraordinary circumstances (e.g., Southwestern is concerned about the medical provider's credentials), the Student Services Office may request that the student undergo an additional assessment to allow Southwestern to decide about the student's readiness for return. In those rare instances, the Student Services Office will notify the student of its rationale for making this request. The student will not be responsible for the costs of additional assessments that Southwestern requests.

3. Review by the Associate Dean for Student Services and Vice Dean

After the Student Services Office receives and reviews all documents related to the requested return, (i) for an MHLA, the Associate Dean for Student Services will review all relevant materials with the Vice Dean and Dean; they will decide whether it is appropriate for the student to return for the requested semester, quarter, or term or a later semester, quarter, or term and (ii) for a VHLA, the Associate Dean for Student Services will review all relevant materials and will decide whether it is appropriate for the student to return. Southwestern may place restrictions on the student's return. Restrictions might include a reduced course load, limits on co-curricular or extracurricular activities, requirements to work with a member of the Academic Success and Bar Preparation department, requirements for regular check-ins with the Student Services Office, etc. The decision, including any restrictions, should be sent to the student in writing along with a copy of or link to this policy.

4. Request to return approved

Once a student receives a decision allowing their return, the Student Services Office or Health Leave Coordinator will contact the student to request a check-in visit to review their safety and plan for sustained health, including recommendations for ongoing treatment. Students with disabilities may be eligible for reasonable accommodations and should follow the provisions of the Policy Statement Regarding Students and Applicants with Disabilities. The Student Services Office or Coordinator will also help the returning student coordinate with other offices, such as Financial Aid, Registrar, etc.

A student returning from a health-related leave is responsible for registering for the semester, quarter, or term following the expiration of the leave. They must notify the Registrar's Office in writing to have their student account reactivated to register.

5. Request to return denied and appeal

If Southwestern denies the student's request to return from leave, the student may appeal that decision. See **Section J** below.

6. Failure to return

If the student does not plan to return to Southwestern, the student should notify the Health Leave Coordinator at their earliest convenience. Any student who does not return following the expiration of their leave or after their return has been approved will be assumed to have permanently left Southwestern. They will be readmitted only upon filing a new application for admission with advanced standing following regular admission channels. The application will be considered on the same basis as transfer applications received that year. A student who fails to enroll in any semester, quarter, or term and has not been granted a leave of absence will be deemed to have withdrawn from Southwestern.

I. Individualized Assessment

Southwestern will base any decision under this policy on objective criteria, not speculation, stereotypes, or generalizations. Before placing any student with a disclosed or known disability on an MHLA, Southwestern will perform an individualized assessment to determine if a reasonable accommodation would permit the student to continue participating in Southwestern's community without an MHLA.

J. Appeal

A student subject to an action under this policy (e.g., placement on an MHLA, placement on an Interim Health Restriction, denial of a VHLA request, denial of a request to return) may appeal any decision of the Associate Dean for Student Services or Vice Dean to the Dean. A student who wishes to appeal must submit a written appeal to the Dean within 10 business days of receiving a decision. The Dean may extend this time for good cause shown, such as a student's continued hospitalization.

The appeal must specify the substantive or procedural basis for the appeal and must be made on grounds other than general dissatisfaction with the decision. The appeal process is designed to remain individualized and interactive. At any point before the final determination, the student may submit additional information relative to the student's care or progress.

The Dean will review relevant documents and any additional information submitted by the student and may confer with Southwestern officials. In addition, the Dean may meet or speak with the student. The Dean has 10 business days from receiving the appeal to decide. The Dean may extend the time limit for good cause.

The review by the Dean will be limited to the following considerations:

- Were the proper facts and criteria brought to bear on the decision?

- Has the student or another person provided material, relevant new information not previously available?
- Did any procedural irregularities materially affect the outcome to the student's detriment?
- Was the decision reasonable given the proper facts, criteria, and procedures?

The Dean may (a) uphold the decision, (b) reverse the decision, (c) modify the decision (e.g., reinstating the student subject to specified conditions), (d) return the matter to the decision maker, or (e) take other action consistent with this and other Southwestern policies. The Dean will transmit a written decision to the student, the Vice Dean, and the Associate Dean for Student Services. Unless the Dean returns the matter to another decision maker, the Dean's decision is final and not subject to further appeal.

K. Confidentiality

Southwestern recognizes the sensitive and confidential nature of a health-related leave. Southwestern's use and disclosure of information related to a student's health-related leave will be guided by laws governing the privacy of student information, such as FERPA, and the limited exceptions for disclosure provided by law.

L. Recordkeeping

Documentation generated in connection with administering this policy will be kept in a secure file accessible only to the Student Services Office, Vice Dean, and Dean. If related to a disability, documentation will also be kept in a student accommodation file. The Voluntary Health-Related Leave of Absence Request Form will be retained in the official student file.

M. Policy Revisions

Southwestern expressly reserves the right to change or modify any aspect of this policy at any time, with or without prior notice.