



Claire M.C. Kennedy
Chair of the Governing Council
The Office of the Governing Council
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University of Toronto
Toronto, Ontario M5S 1A1

cc: Meric S. Gertler, President, University of Toronto
Cheryl Regehr, Vice-President and Provost, University of Toronto
David Walders, Secretary, University Affairs Board

May 31, 2018

Dear Ms. Kennedy,

We write to express our opposition to the *University-Mandated Leave of Absence Policy* currently under consideration by the University Affairs Board. As representatives of many of the students who stand to be directly affected by this *Policy*, and with a view to the importance of a safe, equitable, and respectful learning environment at the University of Toronto, we are greatly concerned by the *Policy* in its current form.

As you are aware, the Ontario Human Rights Commission reviewed an earlier draft of the *Policy* and concluded that it might result in “discrimination on the basis of mental health disability contrary to the *Human Rights Code*.” Specifically, the OHRC found that the *Policy* falls short of the University’s duty to accommodate disabilities and mental health needs under the *Human Rights Code*. The OHRC also argued that, rather than providing additional assistance to students at risk of serious harm to themselves, the *Policy* “appears to allow the University to immediately put the student on leave and withdraw essential services (housing, health, and counselling services) at a time when the student is in crisis and most in need of support.”

CUPE 3902 is not convinced that the most recent draft of the *Policy* adequately addresses the concerns raised by the OHRC. The *Policy* continues to fall short of the University’s duty to provide suitable accommodations for the mental health needs of its students. If any version of the *Policy* is to be acceptable, it must, at minimum, ensure that students placed on mandatory leave retain access to the housing, health, and counselling services available to them as a University of Toronto students, services that may be critical to their recovery. Furthermore, the *Policy* strips students of the autonomy to decide for themselves, or in consultation with friends, family, and advisors, whether a leave from academic work is best suited to their personal situation. The threshold for invoking the *Policy* remains troublingly broad and unclear, especially in light of the trauma it may inflict on students who are forced to accept an unelected leave of absence. The University must address these problems if it expects us to believe that it aims to assist students in need, rather than evade its legal and moral duties of care.



CUPE 3902 is especially alarmed that the University Affairs Board appears intent on moving ahead with this policy despite continued opposition from a broad coalition of student groups at the University of Toronto. These student groups, including the University of Toronto Students' Union, the University of Toronto Mississauga Students' Union, the Scarborough Campus Students' Union, the University of Toronto Graduate Students' Union, the Association of Part-time Undergraduate Students, and many others, represent undergraduate and graduate students at all three campuses: students whose health and welfare the *Policy* is supposedly committed to serving. These same student groups have repeatedly objected to the very short online consultation period used to solicit student input, an approach that Students for Barrier-Free Access describes as "irresponsible at best and borders on acting in bad faith." The University's determination to move forward without the support of students, and without engaging student groups in a more responsible, inclusive, and respectful consultation process, belies the *Policy*'s supposedly student-centric intentions.

We remind the Governing Council that its mandate is not merely to ensure that all policies adopted by the University are consistent with the *Human Rights Code*, but also to live up to the goals set out in its own *Statement of Commitment Regarding Persons with Disabilities*. As the Council writes:

It is the University's goal to create a community that is inclusive of all persons and treats all members of the community in an equitable manner. In creating such a community, the University aims to foster a climate of understanding and mutual respect for the dignity and worth of all persons.

The concerns raised by the OHRC and by student groups across the University indicate that neither the current version of the *Policy*, nor the consultation process that has been used to evaluate it, lives up to these commitments.

CUPE 3902 strongly urges the Governing Council to meet with the student groups who have voiced their opposition to the *University-Mandated Leave of Absence Policy*, to hear their concerns, and, before moving forward with any final decision, to make the *Policy* responsive to the concerns raised both by the University of Toronto student groups and the OHRC.

Sincerely,

The Executive Committee of CUPE 3902