

**SETTLEMENT AGREEMENT  
UNDER THE AMERICANS WITH DISABILITIES ACT  
BETWEEN  
THE UNITED STATES OF AMERICA  
AND  
BROWN UNIVERSITY  
USAO # 2016V00247  
DJ # 202-66-29**

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**BACKGROUND**

1. The Parties to this Settlement Agreement are the United States of America and Brown University (Brown or the University).
2. This Settlement Agreement is based on an investigation and compliance review that the U.S. Department of Justice conducted in response to a complaint regarding Brown University's policies and procedures related to readmission of undergraduate students seeking to return from a medical leave of absence for mental health reasons in the Fall 2012 through Spring 2017 semesters.
3. The Parties agree that it is in their best interests, and the United States believes that it is in the public interest, to resolve this dispute without engaging in protracted litigation. The Parties have therefore voluntarily entered into this Agreement, as follows:

**TITLE III COVERAGE**

4. The Attorney General is responsible for administering and enforcing Title III of the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. §§ 12181–89 (ADA or Title III), and the regulation implementing Title III, 28 C.F.R. Part 36.
5. Brown is a private, coeducational university located in Providence, Rhode Island. Brown is a place of public accommodation within the meaning of 42 U.S.C. § 12181(7) and 28 C.F.R. § 36.104.
6. Title III of the ADA prohibits discrimination by places of public accommodation against individuals on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation. 42 U.S.C. § 12182(a); 28 C.F.R. § 36.301(a).
7. Title III of the ADA requires that a public accommodation make reasonable modifications to policies, practices, and procedures when such modifications are necessary to afford goods, services, facilities, privileges, advantages, or

accommodations to individuals with disabilities, unless it can demonstrate that making such modifications would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations. 42 U.S.C. § 12182(b)(2)(A); 28 C.F.R. § 36.302(a).

8. The United States contends the following:
  - a. Brown denied certain undergraduate students who had taken a medical leave for mental health reasons from the fall 2012 to the spring 2017 semesters the opportunity to participate in and benefit from Brown's services on the basis of disability by denying their applications for readmission to Brown following medical leaves of absence, even though the students met all of the requirements for returning to school and despite the conclusions of the students' own treatment providers. *See* 42 U.S.C. § 12182(b)(1)(A)(i); 28 C.F.R. § 36.202(a).
  - b. Additionally, to the extent that Brown required undergraduate students taking medical leave for mental health reasons to remain on leave for at least two full semesters, Brown failed to reasonably modify this requirement where the student requested an earlier return and the student met all of the requirements for returning to school, except for being on leave for at least two semesters. *See* 42 U.S.C. § 12182(b)(2)(A)(ii), 28 C.F.R. § 36.302(a).
  - c. Finally, Brown imposed eligibility criteria that screened out or tended to screen out students with mental health disabilities from fully and equally enjoying Brown's goods, services, facilities, privileges, advantages, or accommodations when these criteria cannot be shown to be necessary for the provision of the goods, services, facilities, privileges, advantages, or accommodations being offered. *See* 42 U.S.C. § 12182(b)(2)(A)(i), 28 C.F.R. § 36.301(a).
9. Brown categorically denies that it ever violated Title III of the ADA in its handling of requests for readmission from a medical leave of absence for mental health reasons in the Fall 2012 through the Spring 2017 semesters. This Agreement is not an admission in whole or in part of any liability by Brown, and Brown expressly denies liability with regard to all of the United States' allegations in Paragraph 8. Brown has cooperated fully with the United States' investigation, and both parties enter into this Settlement Agreement to avoid protracted litigation.

#### **ACTIONS TO BE TAKEN BY BROWN UNIVERSITY**

10. For purposes of this Agreement, "medical leave" or "medical leave of absence" refers to leaves of absence taken by undergraduate students for mental health reasons, and includes Medical Leave in Lieu of Suspension.
11. Brown will not deny any person on the basis of disability the full and equal enjoyment of the

University's goods, services, facilities, privileges, advantages, or accommodations in violation of 42 U.S.C. § 12182 and the Title III implementing regulation, 28 C.F.R. Part 36.

12. Brown will make reasonable modifications to its policies, practices, or procedures when such modifications are necessary to afford the University's goods, services, facilities, privileges, advantages, or accommodations to individuals with disabilities unless Brown can demonstrate that making the modifications would fundamentally alter the nature of the University's academic standards, course requirements, goods, services, facilities, privileges, advantages, or accommodations. 42 U.S.C. § 12182(b)(2)(A)(ii); 28 C.F.R. § 36.302(a).
13. Brown will not impose or apply eligibility criteria that screen out or tend to screen out an individual with a disability or any class of individuals with disabilities, including individuals with mental health disabilities, from fully and equally enjoying any goods, services, facilities, privileges, advantages, or accommodations, unless such criteria can be shown to be necessary for the provision of the goods, services, facilities, privileges, advantages, or accommodations being offered. 42 U.S.C. § 12182(b)(2)(A)(i), 28 C.F.R. § 36.301(a).
14. Medical Leave of Absence and Readmission Policies. Previously, Brown revised its "Guidelines: Clearance to Return from Medical Leave" and "Guidelines: Clearance to Return from Medical Leave in Lieu of Academic Suspension or Refused Registration" policies, attached hereto as Attachments B and C ("revised medical leave policies"), to include the following terms or provisions:
  - a. Brown will determine whether to grant returns from medical leaves of absence after an individualized assessment of each student based on the best available objective medical evidence;
  - b. Any student with a disability who takes a medical leave of absence for a set length of time or with set conditions for return may request early return from, or an extension of, the set length of time, or a change in the conditions for return. Brown will consider this as a request for a reasonable modification to its medical leave and readmission policies, practices, procedures, or guidelines. Brown is not required to grant a request that Brown can demonstrate would fundamentally alter the nature of Brown's goods, services, facilities, privileges, advantages, or accommodations. Brown will determine whether to grant the request after an individualized assessment of the student based on the best available objective medical evidence; and
  - c. Any student whose request for readmission to return from a medical leave of absence is denied will receive a detailed written explanation of the University's decision not to allow the student to return, including all reasons for the denial, citing the best available objective medical evidence on which the decision was based. Brown will continue to allow students to appeal and re-apply using the processes described in the policy.

- d. When any Brown student takes a medical leave of absence, Brown will notify such student of their right to request a reasonable modification to its medical leave and readmission policies, practices, procedures, or guidelines pursuant to Brown's revised medical leave policies.
- e. Brown's revised medical leave policies will be incorporated into the "Medical Leave of Absence" section of the Student Support Services website, currently located at <https://www.brown.edu/offices/student-support/medical-leave>.

15. Training. Within 60 business days of the effective date of this Agreement, Brown will develop a training program (ADA Training) that will be provided to the individuals identified in this paragraph within 90 business days and every year thereafter for the term of this Agreement. Brown will provide ADA training to all faculty and staff responsible for receiving, evaluating, and/or making decisions regarding undergraduate students' requests to take medical leaves of absence, and/or requests to be readmitted from such leaves of absence.

- a. The ADA training will address Brown's nondiscrimination obligations under Title III of the ADA, including specifically the terms and conditions of this Agreement.
- b. The ADA training will be conducted by an individual or individuals with substantive legal knowledge of the ADA.
- c. For each session of the ADA training conducted under this Agreement, Brown will maintain attendance logs reflecting the date of the training, names, and titles of attendees for not less than the term of the Agreement.

16. Reporting.

- a. Reports: During the term of this Agreement, Brown will provide the United States with semiannual reports. These reports will be provided to the United States within 15 business days following July 1<sup>st</sup> and December 1<sup>st</sup> for each calendar year covered by this Agreement, and each report will cover the semester(s) just concluded. Each report must include, at a minimum:
  - i. Any decision to deny an undergraduate student's request to return from a mental health related medical leave of absence. For each such decision, the report will include the readmission application, accompanying provider letters, denial letter, any appeal application, and any appeal decision; and
  - ii. Copy of any complaint filed in a federal or state court or the Rhode Island Commission for Human Rights and served on Brown alleging that Brown's undergraduate medical leave or readmission processes have subjected individuals to disability-based discrimination in

violation of the ADA; and

- iii. The dates of training, name of trainer, individuals trained, and training materials for the trainings conducted pursuant to Paragraph 15.
- b. Brown will cooperate with the United States in responding to any requests with reasonable written notice for additional documentation that the United States reasonably requires to ensure Brown's compliance with the Agreement.
- c. Brown will retain the medical leave of absence files for cases reported to the United States in connection with subsection a.i. of this paragraph in the same manner as it retains the medical leave of absence files for any other of its current or former undergraduate students. At a minimum, however, Brown will retain these medical leave of absence files for not less than the term of the Agreement.

### **MONETARY PAYMENTS**

17. Brown agrees to pay an amount no greater than \$684,000.00 to the United States for the purpose of compensating certain individuals identified by the United States who were denied their requests for readmission following a medical leave for mental health reasons from the Fall 2012 through the Spring 2017 semesters.
  - a. Brown will make the payment to the United States within thirty (30) business days of execution of this Agreement. The United States will distribute a portion of the payment in its discretion to each individual after such individuals have executed a copy of the Release of Claims, attached hereto as Attachment A. The United States will provide Brown with copies of the executed Release of Claims within thirty (30) business days after they have been executed.

### **OTHER PROVISIONS**

18. In consideration for this Agreement, the United States will close its investigation and compliance review (DJ #202-66-99, USAO #2016V247) and will not institute any civil action alleging discrimination based on the allegations set forth in Paragraph 8, except as provided in the immediately following paragraph.
19. The United States may review Brown's compliance with this Agreement or Title III of the ADA at any time. If the United States believes that this Agreement or any portion of it has been violated, it may institute a civil action in the United States District Court for the District of Rhode Island to enforce this Agreement and/or Title III of the ADA, subject to Brown's right to assert its defenses in any such action. Brown reserves all rights, including but not limited to procedural and substantive defenses.

20. If any provision of this Agreement is determined by the District Court to be unenforceable, the other provisions of this Agreement shall nonetheless remain in full force and effect, provided, however, that if the severance of any such provision materially alters the rights or obligations of the Parties, the Parties shall engage in good faith negotiations in order to adopt mutually agreeable amendments to this Agreement as may be necessary to restore the Parties as closely as possible to the initially agreed upon relative rights and obligations.
21. Failure by the United States to enforce this entire Agreement or any of its provisions shall not be construed as a waiver of its right to do so with regard to any provision of this Agreement.
22. A signatory to this document in a representative capacity for Brown represents that he or she is authorized to bind Brown to this Agreement.
23. This Agreement constitutes the entire agreement between the United States of America and Brown on the matters raised herein and no other statement, promise or agreement, either written or oral, made by any Party or agents of any Party, that is not contained in this written agreement, including any attachments, shall be enforceable.
24. Any modification of this Agreement shall be by written agreement of the Parties.
25. This Agreement is not intended to remedy any other potential violations of the ADA or any other law that are not specifically described in Paragraph 8 of this Agreement, which Brown expressly denies. Nothing in this Agreement changes Brown's obligation to otherwise comply with the requirements of the ADA.
26. The Parties agree that, as of the effective date of this Agreement, for purposes of the Parties' preservation obligations pursuant to Federal Rule of Civil Procedure 26, litigation is not "reasonably foreseeable." To the extent that any Party previously implemented a litigation hold to preserve documents, electronically stored information, or things related to this compliance review, the Party is no longer required to maintain such a litigation hold. Nothing in this paragraph relieves the United States or the Court of any other obligations imposed by this Agreement or other applicable law.

#### **EFFECTIVE DATE/TERMINATION DATE**

27. The effective date of this Agreement is the date of the last signature below.
28. The duration of this Agreement will be 3 years from the effective date.
29. All notifications under this Agreement shall be sent by mail or e-mail to the United States Attorney's Office, District of Rhode Island, 50 Kennedy Plaza, 8<sup>th</sup> Floor, Providence, RI 02903, Attn: AUSA Amy Romero, Amy.Romero@usdoj.gov.

AGREED AND CONSENTED TO:

**FOR THE UNITED STATES OF AMERICA:**

RICHARD B. MYRUS  
Acting United States Attorney  
District of Rhode Island

KRISTEN CLARKE  
Assistant Attorney General  
Civil Rights Division

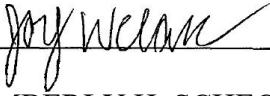
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/s/

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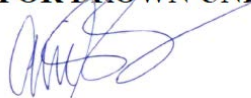
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Dated: 8/10/2021

Dated: August 10, 2021

**FOR BROWN UNIVERSITY:**



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Eric Estes  
Vice President for  
Campus Life

Dated: 8/9/2021



# **ATTACHMENT B**



## Brown University Student Support Services Guidelines: Clearance to Return from Medical Leave

Medical leaves are intended to give students time to focus on their health and wellbeing so that they can return to campus and be successful in their academic and co-curricular pursuits. The medical leave clearance process is designed to ensure that students have taken such care, and that appropriate supports and resources are in place for their return. The following guidelines apply to undergraduate students who are seeking to return to Brown following a medical leave of absence. (Graduate and medical school students considering medical leave should contact the Graduate School and Medical School respectively).

We encourage students to take sufficient time to address the health-related concerns that led to their leavetaking. Returning too soon may result in the student continuing to struggle academically and personally. Many students choose to take two or more semesters while others return after one semester. The length of the leave is intended to allow a student sufficient time away from campus to address medical needs and to engage in activities that will contribute to a successful return. Students may petition for clearance during any review period. Students who are not granted clearance may petition again at any subsequent review period and/or appeal the denial. Any student whose petition is denied will receive a detailed written explanation of the University's decision not to allow the student to return, including all reasons for the denial, citing the best available objective medical evidence on which the decision was based, and may appeal the denial as described on page \_\_ below.

Students who have been away from Brown for more than three years will also need to communicate with the office of the Dean of the College and the Degree Completion Committee to review the feasibility of clearance, such as whether there is a viable path to degree completion, any degree requirement policy changes since the student's initial enrollment, and other issues.

Brown administers medical leaves in a nondiscriminatory manner. The medical leave clearance process requires an individualized assessment based on the best available objective medical evidence. Brown will provide reasonable modifications to Brown's policies, practices, and procedures that are necessary to prevent discrimination unless the modifications would fundamentally alter the nature of the University's academic standards, course requirements, goods, services, facilities, privileges, advantages, or accommodations ("reasonable modifications"). Students with disabilities may request reasonable modifications to Brown's medical leave clearance policies, practices, and procedures by contacting \_\_\_\_\_.

### **PETITIONING FOR CLEARANCE TO RETURN FROM MEDICAL LEAVE**

Guidelines governing clearance seek to assure, in consultation with the student and their medical care providers, that the student will be able to function effectively in the autonomous student environment at Brown. The clearance process also provides a review of the ongoing supports a student may need (e.g., reasonable modifications).

#### **Deadlines**

The Medical Leave Clearance Committee reviews petitions on a rolling basis. The committee meets

monthly and students may submit a petition at any time. Petitions received by the 1<sup>st</sup> of the month will be reviewed in that month. The review process takes approximately four weeks. Students with incomplete documentation as of the 1<sup>st</sup> will be reviewed in the next cycle after their petition documents are updated.

While the petition review process is rolling, the time of their clearance will impact other important university deadlines (e.g., Financial Aid, Residential Life, pre-registration for the next semester, and the Office of International Student and Scholar Services). As such, students should note the following critical deadlines.

<b>Final deadline:</b>	<b>FALL SEMESTER</b>	<b>SPRING SEMESTER</b>	<b>SUMMER SEMESTER</b>
To return	June 1 <sup>st</sup>	November 1 <sup>st</sup>	February 1 <sup>st</sup>
To participate in pre-registration	March 1 <sup>st</sup>	October 1 <sup>st</sup>	February 1 <sup>st</sup>
To participate in housing lottery	February 1 <sup>st</sup>	n/a	n/a

In order to petition for clearance, a student must send all required documents by **11:59pm EST** on the deadline date for the semester that the student seeks to return.

**Petition for Clearance Materials**

Each petition must include three documents that are described in detail below.

- Y Student Letter
- Y Clinician Letter(s)
- Y Release of Information Form

**All materials should be submitted to Student Support Services and should be submitted via email:**

Please note, Student Support deans are available to answer questions about the requested materials or any other aspect of the process.

1. **Student letter:** The letter should be sent to the attention of the Student Support Dean who is working with you. The letter should include:
  - A header including your name, current email, and physical address at which you will receive your decision letter.
  - The term for which the student is petitioning to return from medical leave.
  - Discussion of the factors that led to the leavetaking.
  - An overview of the care and treatment received to address the health issue that led to the leave.
  - Other activities in which the student has engaged while on leave (for example: work, taking courses, volunteering, pursuing other interests) which may both contribute to their wellbeing and their readiness to return.
  - Reflection on the student’s ability to return to the rigors of academic study and the social demands of Brown.
  - An overview of the student’s plans for how the student will manage the rigors of Brown once the student has returned (continued treatment, building a support network, accessing resources, etc.) and any reasonable modifications the student may need to return successfully.

2. **Treatment Provider Letter(s):** For leaves which require clearance from Counseling and Psychological Services (CAPS), students must submit a letter from their mental health treatment provider. For leaves which require clearance from University Health Services, students must submit a letter from their physical health treatment provider. Students may submit more than one letter from treatment providers (e.g., a therapist and psychiatrist or a primary care and specialist health provider). In some instances, students may submit letters from both a mental health treatment provider and physician. The medical leave form signed at the time of leavetaking indicates the clearance type.

The treatment provider's letter should include the following information:

- A statement of their opinion on whether the student will be ready to return to the academic and social demands of full time enrollment at the University by the beginning of the term for which the student is petitioning to return from medical leave. A reduced course load may be a reasonable modification for the student to continue full time enrollment.<sup>1</sup> The statement should include the basis for their opinion on the student's readiness to return.
  - If there are concerns about the student's readiness to return to full time enrollment, the treatment provider should explain. The treatment provider should include any recommendations that would mitigate those concerns, including any reasonable modifications, such as a course load reduction, that would enable the student to successfully participate in Brown's programs.
3. **Release of Information Form:** Since the treatment provider letter is maintained as part of your medical record in CAPS and/or UHS, a limited Release of Information Form is required in order for the Brown clinicians to participate fully in the clearance committee. Signing the release allows Brown's clinicians to share some information included in the support letter provided to us. The form is Brown's standard release and has been pre-completed to indicate that you give the CAPS and/or UHS staff who review your letter permission to share relevant information with the committee. This release does not apply to any information aside from the letter, and it does not give permission to share the contents of the letter with anyone outside of the committee. The form can be found in the medical leave section of the Student Support Services website and will also be provided to you as part of reminders about the clearance process.

## **CLEARANCE REVIEW PROCESS**

### **Timeline & Process**

In order to carefully consider each petition and the individual situation of each student, the review process takes approximately four weeks following the respective deadlines.

- Week One: Compile all materials, follow up with the student on any missing materials, and distribute letters to deans and Brown clinicians for review.
- Week Two: Student Support deans and clinicians from Counseling and Psychological Services and University Health Services review their respective letters. These staff may reach out to students and/or clinicians to request additional information that may not be contained in the letters but which may help to understand the student's readiness to return. However, any requests for

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<sup>1</sup> See <https://www.brown.edu/offices/student-support/meeting-dean/course-load-reductions>.

additional information will be narrowly tailored to information that is reasonably needed to resolve individualized and objective questions or concerns regarding the student's fitness to return to Brown. The statements of treatment providers will be accorded considerable weight.

- Week Three: The Medical Leave Clearance Committee meets to review each petition. The dean working with each student presents their petition. Following the meeting, deans may communicate to students with questions that the committee has about their treatment and activities while on leave or plans for care once they have returned. Any information that the deans seek will be narrowly tailored to information that is reasonably needed to resolve individualized and objective questions or concerns regarding the student's fitness to return to Brown.
- Week Four: Any follow up is completed. Decision letters are prepared and distributed.

### **Clearance Committee & Criteria**

The committee is comprised of the Student Support Services deans as well as representatives from CAPS, UHS, the office of the Dean of the College, and Student Accessibility Services (SAS). The committee makes an individualized assessment of each student and seeks to determine that the student has met the following clearance criteria:

- Received appropriate and sufficient treatment from mental health and/or physical health care providers.
- Demonstrates insight regarding the circumstances that led to their medical leave.
- Demonstrates readiness to return to full time enrollment (note: a reduced course load may be a reasonable modification for the student to continue full time enrollment.) This may be shown through the general activities of the student while on leave.
- Demonstrates the ability to function in the student environment, with or without reasonable modifications to University policies, practices, or procedures.
- Demonstrates an appropriate plan for managing the rigors of Brown upon return. The plan may include their academic and social life balance, their support system (family and friends) and how it contributes to their readjustment, continued care from clinicians, and other activities in which they will engage to care for themselves.

### **Decision Letter & Transition**

Once the review is complete, students are notified by letter of the disposition of their clearance. For students who are cleared, the letter will also include recommendations for support resources on campus that may be useful to the student. When a student is cleared, Student Support Services begins the process of notifying other offices on campus. Once cleared, a student will be assigned a Student Support dean. The student may be in touch with their dean at any point with questions about the transition back to Brown. The dean will also reach out to the student shortly after their return to check in.

### **APPEAL PROCESS**

Within five (5) business days of notification of a denial for clearance, the student may appeal, in writing, the decision of the committee, setting out the reason(s) for the appeal and any supporting materials. Appeals will be submitted to the Dean of Students or their designee. A student may appeal a decision of the committee denying the student's request for readmission based on one or more of the following grounds: (1) the decision of the committee is contrary to the evidence submitted by the

student or treatment provider that supports the student's readiness to return, (2) there is relevant new information that was not reasonably available at the time of the original clearance deadline, and/or (3) a material procedural error by the University or committee. The appeal officer shall review the record and any additional information submitted in the appeal and determine whether to uphold or modify the decision of the committee or to remand the matter to the committee with instructions for reconsideration. Decisions will be communicated to the student within ten (10) business days of the appeal deadline.

#### RELATED INFORMATION

Students may wish to notify other offices during their clearance process. Such offices may include:

- Contact the [Office of Residential Life](#)
- Contact the [Office of Financial Aid](#)
- Contact the [Loan Office](#)
- Contact the [Bursar](#)
- Contact [Student and Accessibility Services \(SAS\)](#)
- Contact the [Dean of the College](#)

When Student Support Services informs the **Registrar's Office** that a student has been cleared for return from Medical Leave, the Registrar's Office will contact the student via email regarding the process for on-line registration.

Student Support deans are available at any time to answer questions about the requested materials or any other aspect of the process.

Related Links:

- [Student Support Services](#)

# **ATTACHMENT C**



## Brown University Student Support Services

### **Guidelines: Clearance to Return from Medical Leave in Lieu of Academic Suspension or Refused Registration**

Students with a status of academic suspension or refused registration, as determined by the Committee on Academic Standing (CAS) may be eligible for a medical leave in lieu of either of these standings if health circumstances contributed significantly to their academic challenges. Students with a Medical Leave in Lieu status are reviewed by both the Medical Leave Clearance Committee and CAS in parallel processes when they petition to return to Brown. This document is intended to outline all documents students need to submit.

Medical leaves are intended to give students time to focus on their health and wellbeing so that they can return to campus and be successful in their academic and co-curricular pursuits. The medical leave clearance process is designed to ensure that students have taken such care, that they have developed an academic plan, and that appropriate supports and resources are in place for their return. The following guidelines apply to undergraduate students who are seeking to return to Brown following a medical leave of absence in lieu of academic suspension or refused registration. (Graduate and medical school students considering medical leave should contact the Graduate School and Medical School respectively).

We encourage students to take sufficient time to address the health-related concerns that led to their leavetaking. Returning too soon may result in the student continuing to struggle academically and personally. A Medical Leave in Lieu of Academic Suspension typically lasts at least two semesters. A Medical Leave in Lieu of Refused Registration typically lasts at least one semester. However, students on Medical Leave in Lieu of Academic Suspension or Refused Registration may petition to return at any time. Many students choose to take two or more semesters while others return sooner. The length of the leave is intended to allow a student sufficient time away from campus to address medical needs and to engage in activities that will contribute to a successful return. Students may petition for clearance during any review period. Students who are not granted clearance may petition again at any subsequent review period and/or appeal the denial. Any student whose petition is denied will receive a detailed written explanation of the University's decision not to allow the student to return, including all reasons for the denial, citing the best available objective medical evidence on which the decision was based, and may appeal the denial as described on page \_\_ below.

Students who have been away from Brown for more than three years will also need to communicate with the office of the Dean of the College and the Degree Completion Committee to review the feasibility of clearance, such as whether there is a viable path to degree completion, any degree requirement policy changes since the student's initial enrollment, and other issues.

Brown administers medical leaves in a nondiscriminatory manner. The medical leave clearance process requires an individualized assessment based on the best available objective medical evidence. Brown will provide reasonable modifications to Brown's policies, practices, and procedures that are necessary to prevent discrimination unless the modifications would fundamentally alter the nature of the University's academic standards, course requirements, goods, services, facilities, privileges, advantages, or accommodations ("reasonable modifications"). Students with disabilities may request reasonable modifications to Brown's medical leave clearance policies, practices, and procedures by contacting \_\_\_\_\_.



## PETITIONING FOR CLEARANCE TO RETURN FROM MEDICAL LEAVE IN LIEU OF ACADEMIC SUSPENSION OR REFUSED REGISTRATION

Guidelines governing clearance seek to assure, in consultation with the student and their medical care providers, that the student will be able to function effectively in the autonomous student environment at Brown. The clearance process also provides a review of the ongoing supports a student may need (e.g., reasonable modifications).

### Deadlines

The Medical Leave Clearance Committee and CAS review petitions on a rolling basis. The committees meet monthly and students may submit a petition at any time. Petitions received by the 1<sup>st</sup> of the month will be reviewed in that month. The review process takes approximately four weeks. Students with incomplete documentation as of the 1<sup>st</sup> will be reviewed in the next cycle after their petition documents are complete.

While the petition review process is rolling, the time of their clearance will impact other important university deadlines (e.g., Financial Aid, Residential Life, pre-registration for the next semester, and the Office of International Student and Scholar Services). As such, students should note the following critical deadlines.

<b>Final deadline:</b>	<b>FALL SEMESTER</b>	<b>SPRING SEMESTER</b>	<b>SUMMER SEMESTER</b>
To return	June 1 <sup>st</sup>	November 1 <sup>st</sup>	May 1st
To participate in pre-registration	March 1 <sup>st</sup>	October 1 <sup>st</sup>	February 1 <sup>st</sup>
To participate in housing lottery	February 1 <sup>st</sup>	n/a	n/a

In order to petition for clearance, a student must send all required documents by **11:59pm EST** on the deadline date for the semester that the student seeks to return.

**All materials should be submitted to Student Support Services and should be submitted via email:**

### Petition for Clearance Materials

Each petition must include the documents that are described in detail below.

For **both** committees:

- Y Student Letter

For the **Medical Leave Clearance Committee**

- Y Clinician Letter(s)
- Y Release of Information Form

For the **Committee on Academic Standing**

- Y Letter of Support from a current instructor, employer, or volunteer coordinator
- Y Satisfying all the requirements listed in the CAS letter
- Y Detailed Course Plan worked out with a dean, first-year advisor or concentration advisor

Please note, Student Support and Academic deans are both available to answer questions about the requested materials or any other aspect of the process.

## **Joint Document**

1. **Student letter:** The letter should be sent to the attention of the Student Support Dean who is working with you. The letter should include:
  - A header including your name, current email, and physical address at which you will receive your decision letter.
  - The term for which the student is petitioning to return from medical leave.
  - Discussion of the factors that led to the leavetaking.
  - An overview of the care and treatment received to address the health issue that led to the leave.
  - Other activities in which the student has engaged while on leave (for example: work, taking courses, volunteering, pursuing other interests) which may both contribute to their wellbeing and their readiness to return.
  - Reflection on the student's ability to return to the rigors of academic study and the social demands of Brown.
  - An overview of the student's plans for how the student will manage the rigors of Brown once the student has returned (continued treatment, building a support network, accessing resources, etc.) and any reasonable modifications the student may need to return successfully.

## **Medical Leave Documents**

1. **Treatment Provider Letter(s):** For leaves which require clearance from Counseling and Psychological Services (CAPS), students must submit a letter from their mental health treatment provider. For leaves which require clearance from University Health Services, students must submit a letter from their physical health treatment provider. Students may submit more than one letter from treatment providers (e.g., a therapist and psychiatrist or a primary care and specialist health provider). In some instances, students may submit letters from both a mental health treatment provider and physician. The medical leave form signed at the time of leavetaking indicates the clearance type.

The treatment provider's letter should include the following information:

- A statement of their opinion on whether the student will be ready to return to the academic and social demands of full time enrollment at the University by the beginning of the term for which the student is petitioning to return from medical leave. A reduced course load may be a reasonable modification for the student to continue full time enrollment.<sup>1</sup> The statement should include the basis for their opinion on the student's readiness to return.
- If there are concerns about the student's readiness to return to full time enrollment, the treatment provider should explain. The treatment provider should include any recommendations that would mitigate those concerns, including any reasonable modifications, such as a course load reduction, that would enable the student to successfully participate in Brown's programs.

2. **Release of Information Form:** Since the treatment provider letter is maintained as part of your medical record in CAPS and/or UHS, a limited release of information form is required in order for the Brown clinicians to participate fully in the clearance committee. Signing the release allows Brown's clinicians to share some information included in the support letter provided to us. The form is Brown's standard release and has been pre-completed to indicate that you give the CAPS and/or UHS staff who review your letter permission to share relevant information with the committee. This release does not apply to any

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<sup>1</sup> See <https://www.brown.edu/offices/student-support/meeting-dean/course-load-reductions>.

information aside from the letter, and it does not give permission to share the contents of the letter with anyone outside of the committee. The form can be found in the medical leave section of the Student Support Services website and will also be provided to you as part of reminders about the clearance process.

### **CAS Documents**

- 1. Letter of Support:** At least one letter of support from someone who has taught or supervised the student while on the CAS status of Medical Leave in Lieu of academic suspension or refused registration
- 2. Satisfying all the requirements listed in the CAS letter:** At the time of leavetaking, students will receive a letter from the Committee on Academic Standing detailing requirements for returning to active status. These requirements, which may be subject to reasonable modification, may include finishing incomplete course work, taking transfer courses\*, connecting with academic and other support resources, and other requirements. Students should outline the completion of these requirements.
- 3. Detailed Course Plan:** A detailed course plan with concentration, course selections and academic priorities carefully laid out – and evidence of consultation with your concentration advisor.

\*Many students on Medical Leave in Lieu of Academic Suspension & Refused Registration take courses elsewhere that can be transferred back to Brown upon their return. These students must also follow the Transfer Approval Protocol in ASK and send an official transcript of course grades to the Brown Registrar's office, with copies included with their petitions.

## **CLEARANCE REVIEW PROCESS**

### **Timeline & Process**

In order to carefully consider each petition and the individual situation of each student, the review process takes approximately four weeks following the respective deadlines.

- Week One: Compile all materials, follow up with student on any missing materials, and distribute letters to deans and Brown clinicians for review.
- Week Two: On the Medical Leave side, Student Support deans and clinicians from Counseling and Psychological Services and University Health Services review their respective letters. These staff may reach out to students and/or clinicians to request additional information that may not be contained in the letters but which may help to understand the student's readiness to return. However, any requests for additional information will be narrowly tailored to information that is reasonably needed to resolve individualized and objective questions or concerns regarding the student's fitness to return to Brown. The statements of treatment providers will be accorded considerable weight. On the CAS side, the CAS committee meets to review materials.
- Week Three: The Medical Leave Clearance Committee meets to review each petition. The dean working with each student presents their petition. Following the meeting, deans may communicate to students with questions that the committee has about their treatment and activities while on leave or plans for care once they have returned. Any information that the deans seek will be narrowly tailored to information that is reasonably needed to resolve individualized and objective questions or concerns regarding the student's fitness to return to Brown.
- Week Four: Any follow up is completed. Decision letters are prepared and distributed.

### **Clearance Committee & Criteria**

The committee is comprised of the Student Support Services deans as well as representatives from CAPS, UHS, the office of the Dean of the College, and Student Accessibility Services (SAS). The committee makes an individualized

assessment of each student and seeks to determine that the student has met the following clearance criteria:

- Received appropriate and sufficient treatment from mental health and/or physical health care providers.
- Demonstrates insight regarding the circumstances that led to their medical leave. Demonstrates readiness to return to full time enrollment (note: a reduced course load may be a reasonable modification for the student to continue full time enrollment). This may be shown through the general activities of the student while on leave.
- Demonstrates the ability to function in the student environment with or without reasonable modifications to University policies, practices, or procedures.
- Demonstrates an appropriate plan for managing the rigors of Brown upon return. The plan may include their academic and social life balance, their support system (family and friends) and how it contributes to their readjustment, continued care from clinicians, and other activities in which they will engage to care for themselves.

### **Decision Letter & Transition**

Once the review is complete, students are notified by letter of the disposition of their clearance. For students who are cleared, the letter will also include recommendations for support resources on campus that may be useful to the student. When a student is cleared, Student Support Services & CAS begin the process of notifying other offices on campus. Once cleared, a student will be assigned both a Student Support dean and an academic transition dean. The student may be in touch with their deans at any point with questions about the transition back to Brown. The deans will also reach out to the student shortly after their return to check in.

### **APPEAL PROCESS**

Within five (5) business days of notification of a denial for clearance, the student may appeal, in writing, the decision of the committee, setting out the reason for the appeal and any supporting materials. Appeals will be submitted to the Dean of Students or their designee. A student may appeal a decision of the committee denying the student's request for readmission based on one or more of the following grounds: (1) the decision of the committee is contrary to the evidence submitted by the student or treatment provider that supports the student's readiness to return, (2) there is relevant new information that was not reasonably available at the time of the original clearance deadline, and/or (3) a material procedural error by the University or committee. The appeal officer shall review the record and any additional information submitted in the appeal and determine whether to uphold or modify the decision of the committee or to remand the matter to the committee with instructions for reconsideration. Decisions will be communicated to the student within ten (10) business days of the appeal deadline.

### **RELATED INFORMATION**

Students may wish to notify other offices during their clearance process. Such offices may include:

- Contact the [Office of Residential Life](#)
- Contact the [Office of Financial Aid](#)
- Contact the [Loan Office](#)
- Contact the [Bursar](#)
- Contact [Student and Accessibility Services \(SAS\)](#)
- Contact the [Dean of the College](#)

When Student Support Services informs the **Registrar's Office** that a student has been cleared for return from Medical Leave, the Registrar's Office will contact the student via email regarding the process for on-line registration.

Student Support deans are available at any time to answer questions about the requested materials or any other aspect of the medical leave process. A student may contact a Dean in the College at any time with questions about the CAS process.

Related Links:

- [Student Support Services](#)
- [Committee on Academic Standing](#)