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Advocacy office criticizes mandatory medical leave

By PAUL TELLES
Of the Emerald

The University violated a student's legal right to due process when it put him on mandatory medical leave earlier this term, the ASUO's Office of Student Advocacy charges.

University officials disagree. Dean of Students Bob Bowlin says the student, whose name has been withheld, was put on medical leave after it was shown that he represents a "substantial threat" to the University community.

The decision was made at a hearing presided over by physician James Jackson, director of the Student Health Center, after the student was examined by a center psychiatrist.

OSA director JoAnn Een says the hearing violated the student's civil rights because Jackson reviewed only evidence compiled by his own staff. The hearing should have been conducted by an outside party, probably an attorney, Een says.

The University can order a student to leave the University indefinitely if the SHC director finds the student has a "medical or mental health disability which substantially threatens" the University community or its

educational processes.

Before scheduling a hearing where the SHC director makes a ruling, the dean of students must request that the student and his family seek private evaluation of the student's health. If they refuse, the student can be ordered to be examined by a SHC physician.

An amendment recently proposed by the University would permit a SHC staff physician to examine the student without conferring with the student's own doctor.

There is no conflict of interest involved when the SHC director presides over a hearing based on evaluations made by an SHC physician, Bowlin says. Een's criticism of the director's role "assumes that people can't be objective and give us an opinion," he says.

Waiting for students to obtain private evaluations could prevent the University from acting promptly in these cases, Bowlin says. The procedure still would allow students to present evidence from private evaluations at their hearings, he adds.

Een also criticizes the rules governing the procedure because they don't say how much notice a student should be given before the hearing and don't define "substantial threat."

The leave procedure calls for "reasonable notice" of a hearing date but sets no specific time limit. Bowlin says this is proper because some situations, especially situations involving psychiatric disorders, often require prompt action.

Only two students have been put on medical leave during the past seven years, Bowlin says.

In the case decided this term, the student carried Mace on campus, threw weights at people in the weight room in Esslinger Hall and "even assaulted another student," Bowlin says.

After the student repeatedly refused requests that he seek psychiatric help, Bowlin invoked the medical leave procedure. The student was given 48 hours notice of his hearing.

An amendment proposed by the OSA would require the University to give students at least 10 days notice of a hearing. In the recent case, Een says the student didn't have time to contact a lawyer or prepare a case. He was represented by student defenders from the OSA, she says.

Bowlin says the amount of notice given to students would vary from case to case, depending on the severity of the student's problem.


In the recent case, the problem with the student went on almost a year and a half, Bowlin says. After refusing to seek help, the student shouldn't have been surprised when the University took action, he says.

Cases like the recent one and a 1974 case involving a graduate student who often became abusive in class offer a self-explanatory definition of "substantial threat," Bowlin says.

A public hearing on the proposed amendments will be held today at 3 p.m. in EMU Room 101. People who want to testify at the hearing can review copies of the rules and the proposed amendments in the University president's office, 110 Johnson Hall or the ASUO Executive Office, EMU Suite 4.

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