

Appendix 11: Fitness to Study Procedure

Students may be considered not fit to study if their mental, emotional, or physical state affects their own academic performance, the performance of other students, or presents threats to their own long term health. In these situations, students will be required to intermit their studies, to receive appropriate treatment, and to return only when they are judged fit to study. Where there is disagreement between a student and the College about the student's fitness to study, the following procedure will be followed:

1. Where the Personal Tutor or the Senior Tutor, the College Adviser or the Tutor for Graduates does not believe that a student¹ is fit to study, they will refer that student to the Welfare Fellow.
2. The Welfare Fellow will meet with the student, the student will be entitled to be accompanied to this meeting by another member of the University.
3. If the Welfare Fellow believes that a student is suffering from a serious problem arising from ill-health (mental, emotional or physical), such that the academic progress or the well-being of the Student or the academic progress or the well-being of other members of the College are being adversely affected, the Welfare Fellow shall refer the student to the College Doctor. Before any such reference is made, the student shall be given a reasonable opportunity to make representations to the Principal as to why such a reference should not take place. If the student is not registered with the College Doctor, then the College Doctor shall be responsible for seeking medical evidence from the student's registered doctor and may recommend that the Student submit to an independent medical examination at the College's expense. If a Student fails to co-operate reasonably with the College Doctor's inquiry, or refuses to provide a medical report, or to attend for the purposes of a medical examination, the matter will be referred by the Welfare Fellow to a Committee of Inquiry (see below).
4. The College Doctor, having considered the evidence available including the background evidence that led to the referral, shall report her findings to the Welfare Fellow. If the Welfare Fellow is of the opinion that further action may be necessary, she shall advise the Principal who will convene a Committee of Inquiry which shall be composed of three members of Governing Body, chosen from the panel of ten agreed by Governing Body. Three members will be chosen by lot, but must include at least one member with at least 10 year seniority. The Committee of Inquiry will not include the student's Personal Tutor, any of the student's subject tutors nor any member who has had significant involvement with the student. The Welfare Fellow shall present the case regarding the student to the Panel.
5. In deciding how to proceed, the Committee of Inquiry may refer the student to the University's Fitness to Study Panel. If such a referral is made, and a recommendation received from the Fitness to Study Panel, the Committee of Inquiry will then meet to decide whether to accept and implement the recommendation. If so, this will be undertaken without a further hearing.
6. If a referral to the Fitness to Study Panel is not made, or the Committee does not accept the recommendation of the Panel, the Committee of Inquiry will hold a hearing to consider all the

¹ For the purpose of this regulation, the term 'student' is taken to cover Graduate, Undergraduate, Foundation Year and Visiting students.

evidence in the case. The Student shall be given one week's notice of any hearing, and shall be entitled to legal or other representation before the Committee of Inquiry (at their own expense). Having considered the evidence, the Committee of Inquiry may proceed in one of the following ways:

- a. it may discharge the student (either subject to conditions, or unconditionally, as their discretion); or
- b. it may suspend the Student (whether or not subject to conditions) for a specified period, or for an indefinite period; or
- c. in any case where disciplinary proceedings have been adjourned, but the Committee is satisfied that the Student is not suffering from a serious problem relating to ill-health, it may order the resumption of those proceedings.

The fitness to study procedure may not result in the permanent expulsion of a student, so it is not necessary that the relevant committee must be satisfied 'beyond reasonable doubt' as to the case against the student. For this procedure, establishing the case on 'the balance of probabilities' is sufficient.

The Panel's decision will be promptly communicated in writing to the Student, and will have immediate effect. The decision will be reported to Governing Body.

If the Student fails to attend or to make representations, the Panel may proceed in his or her absence.

7. A Student who has been suspended or expelled on the grounds of his or her state of health under Section 6 shall be entitled to invite the Committee of Inquiry to reconsider the case after the expiry of at least fourteen days from the date of the initial decision and on the production of medical evidence in support of his or her claim.
8. A Student may appeal against the Committee of Inquiry's decision. Any appeal must be made and received in writing to the Principal within three days of the Student receiving written notification of the Committee's decision or the reconsideration of the case under Section 7.
9. Where a Student's conduct gives rise to a need for urgent action, the Welfare Fellow may suspend him or her with immediate effect, pending investigation, such suspension not to exceed fourteen days. The Student shall have the right of appeal to the Principal in respect of such an interim order