

## Fitness to Study Procedure

This Fitness to Study Procedure has three stages depending on the perceived level of risk, the severity of the problem and the student's engagement with efforts to respond to it. In urgent cases, at the college's discretion, the first or second stage may be bypassed.

Throughout the Procedure outlined below, fitness to study is understood as defined by University legislation:

(a) a student's fitness:

(i) to commence a distinct course of academic study; or

(ii) to continue with his/her current course of academic study; or

(iii) to return to his/her current or another course of academic study; and

(b) his/her ability to meet:

(i) the reasonable academic requirements of the course or programme; and

(ii) the reasonable social and behavioural requirements of a student member (whether resident in college or not) without his/her physical, mental, emotional or psychological health or state having an unacceptably deleterious impact upon the health, safety and/or welfare of the student and/or other students and/or University or college staff (notwithstanding adjustments required by law);

### 1. Stage 1- Informal Action by the College

1.1 Concerns about a student's fitness to study can arise in a number of situations. Tutors, members of the Welfare Team, the junior deans, other students, and/or members of college staff may observe behaviour that suggests that a student's medical, psychological, or emotional problems are compromising his or her fitness to study. Any member of college who has such concerns is encouraged to consult a member of the Welfare Team. The Welfare Team will consult about appropriate action, and may make appropriate discreet inquiries about the student's behaviour and academic performance. If the risk is deemed less severe, the Welfare Team may initially direct the student toward appropriate forms of support.

1.2 Should preliminary action in terms of support and guidance be unsuccessful, a senior member of the Welfare Team, along with the student's tutors if this is deemed appropriate, will approach the student and explain, in a supportive and understanding manner, that concerns about his or her fitness to study have emerged. The student will be made aware of the precise nature and causes of these concerns. The student should be given the opportunity to explain his or her own views on the matter, and be encouraged to think about using one or more of the support services offered by the College and University. It may also be appropriate to investigate the possibility of making reasonable adjustments to academic arrangements or support to enable the student to study effectively. At this stage the Senior Tutor would be informed that there are concerns about the student's fitness to study.

1.3 It is hoped that in most cases issues can be resolved at this level, and that the student will respond positively, co-operating fully with the process and taking advantage of the support

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available. It may be necessary to obtain independent corroboration as to whether support offered is being taken up. The responsibility for providing this evidence will lie with the student.

1.4 A review period should be determined by agreement between the Welfare Team, the Senior Tutor, and the student during which clear, observable and measurable goals for change should be set. This review period will allow the student to seek advice and support from any appropriate services.

At the end of this period a meeting should be held to discuss any steps taken by the student to address the concerns. If the concerns have been addressed satisfactorily, this will be noted. Further meetings may be scheduled to continue to monitor the situation and the student's progress, and to help ensure that continued support is provided to the student to enable him or her to study effectively. If, however, the concerns have not been addressed, a further review period may be agreed, or the case will move to the next stage of the procedure.

1.5 The informal discussions, advice and any undertakings made by the College or University and/or the student should be documented for the benefit of the College, the University and the student, but should be kept confidential. Copies of documents are to be kept by the Academic Registrar.

1.6 If a student is unable or unwilling to co-operate with the above process or modify his or her behaviour, they should be informed that more formal action under Stage 2 of this procedure may be considered appropriate.

## 2. Stage 2- Case Review Group

2.1 If the action taken under Stage 1 has not been successful, or it is felt that the case is too serious to be dealt with informally, Stage 2 of the procedure can be invoked.

A meeting of a Case Review Group shall be convened by the Senior Tutor or the Tutor for Graduates, made up of the student's Tutor and the Senior Tutor/Tutor for Graduates and to include if appropriate: the Supervisor in the case of Graduates or Course Director if there is no Supervisor; a senior member of the Welfare Team, the College nurse and/or one of the College doctors. A note-taker may also attend. The student may choose to be accompanied to this meeting by a student or other friend or representative. A student's parents may not normally attend the meeting, except at the discretion of the Case Review Group. A representative from the Disability Advice Service, or the College's designated link to the Counselling Services, may also attend for information and advice if felt appropriate by the Senior Tutor.

In both stage 2 and stage 3 processes the senior member of the Welfare Team should be the point of contact with the student and with all other agencies and individuals. He or she should keep records of the whole process and should ensure that the Senior Tutor or Tutor for Graduates is kept informed of all communications.

The Senior Tutor or Tutor for Graduates should appoint a deputy if unavailable to act at any stage or in the case of a conflict of interest.

2.2 Before the meeting, a medical assessment may be sought from the College doctors and/or another qualified practitioner familiar with the Oxford University system and the spectrum of student difficulties. The student will be encouraged to consent to this, as it will ultimately enable the College to address the student's difficulties in the most effective manner possible and make an accurate assessment of risk to the student, the College, and other students, staff and fellows. The medical assessment will be used to determine the following matters:

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the nature and extent of any medical condition from which the student may be suffering;

the student's prognosis;

the extent to which it may affect his/her fitness to study and manage the demands of student life;

any impact it may have or risk it may pose to others;

whether any additional steps should be taken by the College, in light of the medical condition, to enable the student to study effectively;

whether the student will be receiving any ongoing medical treatment or support.

2.3 The student will be asked to authorise full disclosure to the College of the results of any medical examination. The College recognises that all information relating to fitness to study cases will constitute 'sensitive data' for the purposes of the Data Protection Act 1998 and will be handled, processed and stored accordingly.

Should the student refuse to undertake a medical examination, or disclose results, the College may continue this procedure and come to a decision based on the information already in its possession.

2.4 The student will normally be given at least 7 working days' notice of the convening of a Case Review Group and informed of the purpose of the meeting. This period may be shortened in emergency on the advice of the Welfare Team. They will also be provided with any documents that will be considered by the Group, and asked to provide any documentation they may wish the Group to consider, in good time for the meeting.

2.5 The student may be accompanied at the meeting by a Students' Union (OUSU) representative, a fellow student, or other adviser. A parent would not normally be allowed to attend as an adviser. A designated support worker, if required, may also accompany disabled students. It would not be appropriate for the student to be accompanied by a solicitor. The student should notify the Senior Tutor or Tutor for Graduates at least 24 hours in advance of the meeting if they are to be accompanied and by whom.

2.6 The purpose of the meeting will be to ensure that:

the student is made fully aware of the nature of the concerns that have been raised;

the student's views are heard and taken account of and the best way to proceed is agreed upon;

the student is fully aware of the possible outcomes if difficulties remain.

2.7 The Case Review Group will order its proceedings at its own discretion and may call witnesses, including Student Services staff (as in paragraph 3) working with the student, and institute enquiries to assist its deliberations.

2.8 The Case Review Group may decide:

(a) that no further action is required;

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or (b) to monitor formally the student's progress for a specified period of time.

In this case an action plan will be agreed with the student, outlining any steps, which the student will need to take, and/or any support to be provided to the student, to address the concerns identified.

Regular review meetings with the student will need to be arranged with a nominated member of College staff, to ensure that the action plan is being appropriately followed and/or that reasonable support and adjustments to enable the student to study effectively is being provided.

The student will also need to be informed of the consequences of any breaches of the action plan, which will normally involve his or her fitness to study being considered at Stage 3.

or (c) To recommend that special academic arrangements or support are put in place. Such recommendations should be agreed with the student's department and by the student and approved by the relevant University authority.

The student will be informed that unless these arrangements remedy the concerns to the College's satisfaction, his or her fitness to study may be considered at Stage 3 of these procedures.

or (d) With the consent of the student, to agree that his or her studies be suspended for a period of time with appropriate application to the relevant University authority.

or (e) To refer the case to the Warden, to be considered under Stage 3 of this procedure.

This will only be appropriate in the most serious of cases, where for example evidence of a serious risk to either the health and safety of the student or others has been identified, and it is thought that suspension, exclusion or expulsion of the student may be the appropriate course of action, or where a particular course of action has been recommended but the student does not agree.

2.9 The decision of the Case Review Group, together with a concise record of the meeting, should be sent to the student within 7 working days from the date of the meeting, and a copy kept on the student's personal file. A copy of this documentation should be sent to members of the Case Review Group and to the student's Department where relevant.

### 3. Stage 3 – Fitness to Study Sub-Committee

3.1 This stage of the procedure will only be implemented following a referral from a Stage 2 Case Review Group, or if in the opinion of the Senior Tutor or the Tutor for Graduates (having consulted as appropriate) initial concerns are raised, which are sufficiently serious as to warrant the consideration of the student's suspension, exclusion or expulsion (e.g. if the student poses a potential threat to the health, safety and welfare of him- or herself or others, or to the efficient working of the institution).

3.2 In severe cases the Warden has the power to determine that interim suspension of the student pending further action is appropriate.

3.3 The Warden shall then convene a Fitness to Study Sub-Committee of Warden and Tutors, to be constituted according to College procedures.<sup>1</sup>

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3.4 The Chair will fix a date for a formal meeting of the Fitness to Study Sub-Committee to hear the case and invite the student to attend to discuss the concerns and all relevant issues.

3.5 Whenever possible the student will be given at least 7 working days' notice of the meeting of the Fitness to Study Sub-Committee. The student will be informed of the purpose of the hearing. The student will also be provided with any documents to be considered at the meeting, and asked to provide any documentation he or she may wish the Sub-Committee to consider in good time for the meeting. In serious cases the College may temporarily suspend a student pending a meeting of the Sub-Committee.

3.6 The student may be accompanied at the meeting by a Students' Union representative, a fellow student or other adviser. Disabled students may also be accompanied by a support worker where required. The student should notify the Warden at least 24 hours in advance of the meeting if they are to be accompanied and by whom. A parent will not normally be allowed to attend as adviser. A solicitor is not appropriate as an adviser.

3.7 The purpose of the meeting will be to consider the evidence available, including the student's perception of these concerns, in order to determine whether the objectives of stage 2 (if applicable) have been met by the student to determine whether the College has put in place reasonable adjustments, where applicable, based on professional advice, to enable the student to continue to study. to assess the student's fitness to study and determine a course of action.

3.8 The Sub-Committee will order its proceedings at its discretion and may call witnesses and institute enquiries to assist its deliberations, and may request further medical assessments of the student's fitness to study.

It will also consider any previous risk assessments.

The Chair of the Sub-Committee will ensure that all parties have access to all documents.

3.9 The Chair shall cause a minute of the proceedings to be made which shall form the basis of a report to Warden and Tutors. One member of the Sub-Committee will be designated as secretary and will preserve the minutes. The report to Warden and Tutors shall summarise the evidence before the Sub-Committee and its procedure in examining the undergraduate, and shall state the reasoning behind its decision. The Sub-Committee will attempt to keep sensitive detail to a minimum in making such a report. Warden and Tutors will be asked to accept or reject the report in full; there will not be an opportunity to amend the report in Warden and Tutors. The report may be accepted or rejected by e-mail circulation to minimise uncertainty and delay for all concerned.

3.10 The student shall be notified in writing of the decision, with reasons, within 7 working days of the meeting of the Fitness to Study Sub-Committee. It is advisable that the decision is communicated in such a way that support is available to the student at the time, preferably from a member of the Welfare Team or the student's Tutor.

The decision may include one or more of the following:

To formally monitor the student's progress for a specified period of time. In this case the Sub-Committee will provide the student with an agreed action plan, outlining any steps which the

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student will need to take and/or any support to be provided to the student to address the concerns identified; Regular review meetings with the student will need to be arranged with a nominated member of staff (to ensure that the action plan is being appropriately followed and/or that reasonable support to enable the student to study effectively is being provided). The student will also need to be informed of the consequences of any breaches of the action plan.

That, following consultation with the academic Department, and subject to the approval of the relevant University authority, special academic arrangements are put in place - or an interruption of studies is agreed. The student will be informed of the consequences should these arrangements fail to remedy the concerns identified to the College's satisfaction.

To recommend that the College exercises its statutory power to suspend or exclude the student.

Any other action considered to be appropriate and proportionate.

Any decision regarding suspension or exclusion should be communicated by the Senior Tutor to the University and to any support services who have been involved with the student.

3.11 If the student does not agree with the decision the Sub-Committee may choose

a) to refer to the University's Fitness to Study Panel for a recommendation on how to proceed, or

b) to stand by its decision based on the information gathered during this and preceding levels of intervention.

3.12 If the student wishes to appeal the decision of the Fitness to Study Sub-Committee, he or she must notify the Warden in writing of his or her intention to do so within ten days of the Disciplinary Sub-Committee's decision. The student shall at the same time state the grounds on which the appeal is made. The Warden shall then inform in writing the student making an appeal of the appeal procedure. If the Fitness to Study Sub-Committee has decided to suspend a student's studies, the suspension will normally continue during the appeal procedure.

## 4. Return to Study

4.1 After a break in study, the student may make a request to the College for permission to return to the course. The Senior Tutor or Tutor for Graduates, in consultation with the Welfare Team and relevant medical professionals, will identify the issues of concern that the College may have in respect of the student's fitness to study.

4.2 The Senior Tutor or Tutor for Graduates will also contact the relevant medical professional for an assessment of the student's ability to manage the demands of returning to studying at Oxford University, drawing attention to the nature and extent of the student's previous problems and the College's concerns about them.

4.3 The student will only be permitted to return if, after receiving medical or other specialist advice about the likely impact of the student's condition on his/her fitness to study, the College is satisfied that the individual is fit to study and able to comply with any conditions imposed on his or her return.

4.4 In cases where the College has any continuing concerns about the individual's fitness to

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study, it may require a second medical or specialist opinion. In this case a student may be asked to submit themselves for medical examinations by doctors / specialists, including the College doctors or a consultant, nominated by the College, at the College's expense to allow the situation to be properly evaluated.

4.5 In any case where a student returns to study following the implementation of the fitness to study procedure, the College should hold an initial meeting with the student to discuss what support measures need to be put into place for the student's return and establish a return to study plan.

This initial meeting should include the student's Tutor, the Senior Tutor or Tutor for Graduates, and a member of the Welfare Team.

At this meeting it may be decided that there should be regular review meetings with the student, that can be used to monitor and support a return to study plan.

If so, the student must provide his or her continued cooperation in this respect and such review meetings may continue for part or all of his or her remaining time at College.

There should be a written record of what is agreed for the return to study plan and a copy given to the student.

The Senior Tutor or Tutor for Graduates should ensure that, where appropriate, a copy of the plan is sent to the relevant support agencies, who have agreed to help implement the plan and that any necessary support from agencies external to the College is put in place.

The Senior Tutor or Tutor for Graduates should make arrangements for monitoring that the support plan is being delivered and accepted.

## 5. Right of Appeal

If the student is not satisfied with any decision made in accordance with the College Fitness to Study Procedure, then he or she has a right to appeal. If the case has progressed through Stage 3 of this procedure, the appeal panel would be chaired by the Subwarden or another senior fellow who has not acted as chair in these procedures.

## 6. General Matters

6.1 The College will take account of relevant legislation such as the Data Protection Act, the Mental Health Act, the Human Rights Act, the Equality Act 2010, and the general rights and expectations of a student of confidentiality. In cases where Stages 2 or 3 of the Fitness to Study Procedure have been invoked, the Chair will make a decision about whether the student's emergency contact should be informed, and discuss with the student whether any statutory services should be contacted.

6.2 The College acknowledges that as a result of implementing this procedure it will receive personal sensitive data and data of a confidential nature pertaining to the student and other third parties, and shall ensure that all such data is handled, processed and stored accordingly.

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<sup>i</sup> The Senior Tutor shall in each Trinity Term draw up for the following academic year a panel of ten from the list of Professorial, Official and Supernumerary Fellows of the College and submit it to Warden and Tutors for approval. The ten will exclude Fellows on the Disciplinary Sub-Committee and the Subwarden, the Dean, the Dean of Divinity, and the Home Bursar. The ten will vary from year to year. For any case the Fitness to Study Sub-Committee shall consist of the Warden, who shall normally take the chair, and five other Fellows drawn from the panel, one of whom will act as secretary. The five other members of the Fitness to Study Sub-Committee shall be drawn by the Senior Tutor from the members of the panel available at the time and excluding

any member of the panel with an interest in the proceedings, beginning from the junior end of the list, and shall include both male and female members. Members of the panel may disqualify themselves on grounds of personal interest or involvement. If the Sub-Committee of five cannot be made up from the panel, the Senior Tutor shall co-opt additional persons from the list of Fellows.