

UCD Fitness to Continue in Study Policy and Procedures



Policy Owner

**Student Engagement,
Conduct, Complaints
and Appeals**

**Approval date and
body**

**16 April 2020,
Academic Council
Executive Committee**

1. Purpose

- 1.1 The University's expectations regarding student conduct and behaviour are articulated in the UCD Student Code. However, in some circumstances, a concern may arise about a student's behaviour, capacity, welfare or wellbeing to the extent that their fitness to continue in study is a cause for concern. The concern may arise because faculty or staff or others consider that a student's health, behaviour or actions may constitute a risk to the learning, working, or living experience of themselves or others. The University has a duty to ensure that a student is fit to continue in study while undertaking education and training.
- 1.2 This policy sets out how the University may respond to instances where a concern is raised regarding a student's fitness to continue in study and the type of action that may be taken to support the student and manage the matter.
- 1.3 The purpose of this policy is to provide guidance about, and to set out procedures for, identifying and supporting students about whom there are fitness to continue in study concerns; and for determining whether a student is fit to continue in study.
- 1.4 The objectives of this policy are to:
 - a) Protect the student, staff, faculty, the University, and the public;
 - b) Identify and support students whose behaviour, capacity, welfare or wellbeing are of concern to themselves or others, or whose behaviour or actions are impacting adversely on, or pose a risk to, the learning, working, or living experiences of themselves or others;
 - c) Guide students who experience issues that may affect their fitness to continue in study;
 - d) Provide a suitable framework for the effective, consistent and timely identification and management of Fitness to Continue in Study issues that may arise;
 - e) Treat concerns regarding student fitness to continue in study seriously and as quickly as possible.

2. Definitions

2.1 Fitness to Continue in Study

A fitness to continue in study concern arises where a student's health, behavior, capacity or actions are impacting adversely on, or pose a risk to, the learning, working or living experiences of themselves or others. A student may be deemed not fit to continue in study where it is considered that:

- a) the student's health, behaviour or actions pose a risk to their own health, safety and/or wellbeing and/or that of others;
- b) the student's health, behaviour or actions is (or is at risk of) adversely affecting the working, learning or living experiences of others;
- c) the student's health or behaviour is (or is at risk of) adversely affecting the day-to-day activities of the University or a placement provider;
- d) the student's support needs fall outside the scope of the support and other services, which the University can reasonably be expected to provide.

Fitness to continue in study concerns can occur at any stage during a student's time at University.

The role of the policy is to establish a university-wide approach for dealing with such issues and facilitate Programmes and Schools in providing students experiencing difficulties with the appropriate supports and opportunities to remedy any problems that they experience. It is important to note that fitness to study issues can arise and be satisfactorily dealt with during a student's programme of study and outcomes of a formal fitness to study procedures reflect a judgement on a particular issue, at a particular moment in time, and is not necessarily intended to be a judgement about a student's fitness to study in the future.

2.2 Governing Board

All programmes in the University are overseen by a Governing Board, Graduate Research Board, Board of Studies, or Joint Academic Programme Board (all hereafter referred to as a Governing Board), which is responsible for monitoring the overall performance and progression of students registered to its programmes and ensuring their academic welfare.

2.3 Level 1

Level 1 refers to the procedures for an initial response and support at local level. See section 6 for Level 1 procedures.

2.4 Level 2

Level 2 refers to the procedures for a Governing Board review. See section 7 for Level 2 procedures.

2.5 Return to study

Return to study in the context of this policy refers to the return to the University of students who have been suspended or directed to take a leave of absence under a Fitness to Continue in Study Policy.

3. Scope

3.1 This policy applies to all students throughout their period of registration, and to former students seeking to return to study whose registration has previously been excluded or withdrawn under a Fitness to Continue in Study process.

3.2 This policy relates to situations where a student's behaviour, welfare and wellbeing is impacting on their capacity to study. If a student's eligibility or capacity to continue with their studies is being impacted by:

- a) unsatisfactory academic performance or progress, the University's Continuation and Readmission Policy should be considered by governing boards, as appropriate.
- b) their failure to adhere to the professional practice standards and requirements specified in Programme Fitness to Practise Statements, the University's Student Fitness to Practise Policy and procedure should be considered by governing boards¹.
- c) their persistent failure to attend or engage with the programme at all, the University's Withdrawal Procedure should be considered by governing boards.
- d) their poor conduct, the Student Code and the Student Disciplinary Procedure should be considered.

3.3 At any stage of these procedures a case may be referred to be considered under an alternative University policy or procedure as appropriate. The Chair of the Governing Board shall decide which policy should have priority or be the most appropriate in the circumstances. The Chair of the Governing Board may suspend a policy or procedure, pending the outcome of another policy or procedure.

4. Principles

4.1 This policy should be interpreted in a manner that welcomes diversity, respects the dignity of all persons involved, promotes equal opportunities for students to develop their full potential, and ensures a positive student experience, and that ensures a fair, clear, consistent and timely approach to dealing with Fitness to Continue in Study matters.

4.2 In implementing this policy, staff will consider what support may be offered to students both from within the University and externally. Students will be provided with information on the range of supports available and encouraged to seek support.

¹ The Student Fitness to Practise Policy applies only to programmes with approved student fitness to practise statements.

- 4.3 The processes under all levels of this policy will be undertaken in a transparent manner, and the student will normally be informed of the identity and capacity of any persons with whom the University consults, including third parties, such as health professionals.
- 4.4 Should a student be unable or unwilling to participate at any level of this policy or to attend a meeting, the University may nonetheless follow this policy where it is reasonable to do so. The University may deal with issues on the basis of written reports and/or statements in the absence of the student. In addition, the University may consider any request from a student to proceed with a meeting in their absence on the basis of written reports and/or a written statement from the student.
- 4.5 Where an issue arises in relation to a student who is known to have a disability, and where the disability is relevant to the issue, then in the first instance consideration shall be given to the level and types of support put in place for the student in conjunction with UCD Access and Lifelong Learning. In consultation with the student, reasonable accommodation suitable to the needs of the student will be made available where practicable for students with disabilities.
- 4.6 All matters raised under this policy will be handled sensitively and confidentiality will be observed as far as possible.
- 4.7 A student may be accompanied at meetings provided for in this policy by a support person of their choice
- 4.8 The standard of proof applied at every stage of this Policy is the balance of probabilities.

5. Roles and Responsibilities

5.1 Chairs of Governing Boards' responsibilities include:

- a) Ensuring that there are appropriate arrangements in place for the effective management of fitness to continue in study cases;
- b) Convening and chairing gender-balanced Student Fitness to Continue in Study Subcommittees;
- c) Appointing an alternative Subcommittee Chair, from membership of the Governing Board, in fitness to continue in study cases where the Chair has been previously involved in managing the case (e.g. where the relevant Head of School or Programme Coordinator is also the Chair of the Governing Board) or where there is any other conflict of interest;
- d) Ensuring that referred cases fall within the scope of the policy and where necessary, determine an appropriate, alternative policy and procedure. See 3.2 and 3.3.
- e) Referring high-risk cases to the Registrar (i.e. where a student's health, behaviour, or actions pose an immediate risk to their own health, safety, or wellbeing, or that of others);
- f) Providing the opportunity to the student to make a written submission in advance of a Fitness to Continue in Study Subcommittee meeting
- g) Notifying the student of the outcome of the Fitness to Continue in Study Subcommittee meeting in writing no later than five working days after the meeting;
- h) Communicating the decision of the Subcommittee to the Governing Board at its next meeting;
- i) Reviewing and making decisions relating to requests to return to study.
- j) Reporting annually, to ACCSCC, the number and outcomes of fitness to continue in study cases referred to the Governing Board Fitness to Continue in Study Subcommittee.

5.2 Fitness to Continue in Study Subcommittees' responsibilities include:

- a) Acting with the full delegated authority of the Governing Board;
- b) Making decisions and recommendations on behalf of the Governing Board in Fitness to Continue in Study cases;
- c) Writing a report documenting the decisions in fitness to continue in study cases;
- d) Reviewing and making decisions on requests to return to study.
- e) Notifying the student of the outcome of the Subcommittee meeting in writing no later than five working days after the meeting, copying ACCSCC and, where appropriate, Registry.

- 5.3 The Registrar's responsibilities include considering, and where appropriate approving, recommendations to temporarily suspend a student in a high-risk case (i.e. where a student's health, behavior or actions pose an immediate risk to their own health, safety or wellbeing or that of others), including where a student fails to engage with the fitness to continue in study procedure
- 5.4 Academic Council Committee on Student Conduct and Capacity (ACCSCC) responsibilities include:
- a) Receiving notifications from Governing Boards of decisions made under the Fitness to Continue in Study policy.
 - b) Providing reports to and advising Academic Council on matters relating to fitness to continue in study.
- 5.5 The Student Appeals Committee is responsible for hearing appeals to a Fitness to Continue in Study Subcommittee outcome.

6. Level 1: Procedure for Initial Response and Support at Local Level

- 6.1 Initial response and support may be appropriate where there are emerging concerns about a student's fitness to continue in study. Initial response and support comprise action or actions that aim to support students and to resolve the emerging concerns locally, at module, school or programme level, under this initial procedure.
- 6.2 While it is possible that individual faculty or staff² will have previously made efforts to support and advise the student, the Level 1 procedure is initiated by one of the following: programme coordinator/director, or the head of the relevant academic unit, at or following a meeting with the student. If the student does not attend a meeting the procedure may be initiated in their absence and the student will be so informed.
- 6.3 An initial response may include a recommendation that the student be provided with, and/or be encouraged to avail of, supports. The following is an indicative, but not exhaustive, list of potential supports:
- a) Appropriate academic advice (e.g. supervisor, academic adviser, stage coordinator)
 - b) Referral to the *Extenuating Circumstances Policy*
 - c) Referral to the *Leave of Absence Policy*
 - d) Life Skills Collection or UCD Books on Prescription Scheme
 - e) College/School Offices
 - f) UCD Access and Lifelong Learning
 - g) UCD Chaplaincy
 - h) UCD Student Advisers
 - i) UCD Student Counselling Service
 - j) UCD Student Health Service
 - k) UCD Students' Union Welfare Officer.
- 6.4 The purpose of the initial response and support is to resolve any concerns by reaching agreement with the student on recommended actions. The student shall be notified in writing of agreed actions, timeframes or review periods (i.e. an action plan).
- 6.5 In some circumstances supportive actions may include a recommendation that a student takes a leave of absence, an exit award if available, or voluntarily withdraw from the programme in the interests of their safety, health and/or wellbeing and/or that of others.
- 6.6 If the concern is not resolved or persists, the case should be referred to the Governing Board for the student's programme (Level 2), along with supporting documentation (e.g. the written notification of supports and interventions, and recommended actions and agreed timeframes or review periods).

² For example lecturer(s), student adviser, College/School Office staff

7. Level 2: Procedures for Governing Board Review

7.1 The Chair of the Governing Board shall decide if a case review should take place.

- 7.1.1 The Chair may seek further information or professional advice before considering any further action. This may include medical and/or psychological assessment, which shall not be at the expense of the student. The assessment shall be undertaken by an appropriately qualified person nominated by the Chair and currently working in the area, without a conflict of interest, and unrelated to and independent of the student.
- 7.1.2 If the Chair decides a case review should take place, and on receipt of all documentation relevant to the case, the Chair convenes a Fitness to Continue in Study Governing Board Subcommittee (hereafter the Subcommittee), which acts with full delegated authority of the Governing Board. It conducts a case review to consider reported Fitness to Continue in Study concerns and the initial response and support provided at Level 1.
- 7.1.3 The student shall be informed in writing that the Level 2 procedure has been initiated and that the Subcommittee has been convened. The student should be invited to and given a minimum of ten working days' notice of the date of the meeting. The student may choose to waive the notice period if the Subcommittee can convene a meeting in advance of the notice period.
- 7.1.4 The student will be asked to confirm their availability to attend the meeting. Where the student does not attend a committee may choose to proceed in their absence. Where a student intends to be accompanied to the meeting by a support person of their choice, they should provide the Subcommittee with the name and capacity of the accompanying person in advance of the meeting.
- 7.1.5 A copy of any relevant documentation that has been supplied in respect of the case will be provided to the student in advance of the meeting. The student shall be invited to make their own written submission in advance of the meeting.

7.2 Composition of the Fitness to Continue in Study Subcommittee

- 7.2.1 The Subcommittee shall comprise three voting members: a Chairperson (or their delegate as per section 5.1c), one member of the Governing Board from the student's subject area, and another member of the Governing Board, who is ideally not from the student's subject area (for the purposes of fairness and cross-learning).
- 7.2.2 A member of staff may be appointed as a non-voting secretary of the Subcommittee.
- 7.2.3 The Subcommittee may co-opt additional members to provide required expertise or specific representation and advice to the Subcommittee. The co-option of members will be on a case-by-case basis and requires the agreement of the Chair of the Governing Board. Co-opted members will act in a strictly advisory capacity and shall be non-voting.
- 7.2.4 The Subcommittee for the case review should be kept as small as possible.

7.3 Procedures of the Subcommittee meeting

- 7.3.1 The Subcommittee may seek attendance of other relevant parties to provide verbal evidence and accounts of incidents or behavior that have called into question the student's fitness to continue in study.
- 7.3.2 At the meeting, the Chair should outline the procedures of the meeting setting out the different outcomes available to the Subcommittee.
- 7.3.3 The Subcommittee shall determine whether the student is fit to continue in study. Please see section 2.1 for criteria.
- 7.3.4 Members of the Subcommittee may ask the student questions relating to the concerns over their fitness to continue in study.
- 7.3.5 The student should be given the opportunity to respond to any concerns raised and may make any relevant contribution to the meeting.
- 7.3.6 Decisions of the Subcommittee shall be agreed by a simple majority and the student will be

informed of the timeframe within which they will be notified of the outcome of the process.

7.3.7 A record of the proceedings shall be made.

7.4 Outcomes of the Subcommittee review

7.4.1 When all of the documentation and oral evidence has been considered, the Subcommittee may apply one or more of the following outcomes:

- a) Direct that the case be dismissed with no further action and the student is recommended to continue in study;
- b) Direct that the student be allowed to continue, subject to review under certain specified conditions, such as careful mentoring by a member of faculty at the grade of Associate Professor or above;
- c) Direct that a student who has failed to comply with any requirement to be assessed by an appropriately qualified person and be suspended, without prejudice, until they are certified as fit to study by the person recommended by the University in section 7.1.1, without a conflict of interest and unrelated to and independent of the student;
- d) Direct that the student be suspended for a specified period,
- e) Direct that the student be required to undertake a second attempt for certain elements of the programme of study without academic penalty;
- f) Direct that the student be required to complete specific actions in a specified and reasonable time frame to demonstrate their fitness to continue in study (e.g. undertake an action plan to resolve a specific concern);
- g) Direct that the student take a leave of absence from studies for an agreed period to concentrate on their wellbeing and/or to resolve any specific concern, subject to review at the end of that period and demonstration, to the satisfaction of the Chair of the Governing Board, that they are fit to return to study (section 10);
- h) Recommend that the student avail of an exit award, if one is available, in consultation with the relevant governing board(s) and subject to compliance with the University's transfer regulations and policy;
- i) Direct that the student's registration be terminated and/or that the student be permanently excluded from the programme.

7.4.2 The Subcommittee shall write a report on the meeting including their decision(s) and the rationale for their decision(s).

7.4.3 The Chair shall notify the student and ACCSCC of the outcome of the meeting, in writing no later than five working days after the Subcommittee meeting.

7.4.4 The Chair shall inform the student of their right to appeal the decision(s), the procedure for lodging an appeal and the time limit for lodging an appeal (ten working days from notification of the decision).

7.4.5 The Chair shall communicate the outcome of the Subcommittee meeting at the next meeting of the Governing Board.

8. High Risk Cases

8.1 In appropriate circumstances, including where a student fails to comply with the Fitness to Continue in Study policy or process, the matter may be referred by Chairs of Governing Boards to the Registrar, seeking a temporary suspension pending a full hearing in accordance with a Fitness to Continue in Study review.

8.2 Where the Registrar determines that a student's health, behaviour or actions pose a significant and/or immediate risk to their own health, safety or wellbeing, or that of others, the Registrar, without prejudice, may impose a temporary suspension of the student from the University.

9. Appeals

- 9.1 An appeal may be made to the University's Student Appeals Committee within 10 working days from the date of issue of the decision of the Subcommittee. Details of the appeal procedure can be found in the [Student Appeals Procedure](#).
- 9.2 Appeals may be made on the following grounds:
- New evidence: Information directly relevant to the decision, which for good reason was not available to the Governing Board;
 - Procedural irregularity: There is evidence that the procedures relating to a decision were not followed properly, which may have impacted on the Fitness to Continue in Study Subcommittee's decision;
 - Disproportionate outcome: The outcome applied was disproportionately severe with regard to the circumstances of the case.
- 9.3 Decisions of the Student Appeals Committee. The Committee may:
- Uphold the Appeal
 - Reject the Appeal.
- 9.4 On upholding an appeal a Student Appeal Committee may require the appellant to meet specified conditions.

10. Return to Study

- 10.1 The University is committed to assisting students to return to study where a return to study is appropriate. Students wishing to return to study following a period of suspension or where they were directed to take a leave of absence must satisfy the Chair of the Governing Board, in accordance with this policy, that they are fit to study and that they have complied with any conditions attached to their return.
- 10.2 A request to return to study must be made in writing by the applicant to the Chair of the Governing Board
- 10.3 The Chair of the Governing Board will normally require
- the student to provide evidence to demonstrate that the reasons why they were suspended or directed to take a leave of absence have been satisfactorily addressed; and / or
 - that they are certified by an appropriately qualified person to be fit to continue with their studies. The assessment shall be undertaken by an appropriately qualified person nominated by the University and currently working in the area, without a conflict of interest, and unrelated to and independent of the student.
- 10.4 For the purposes of this section of the policy, an applicant is considered physically and/or mentally fit to return to study if they:
- have the physical and / or mental capacity to return and continue with their programme of study; and to participate in study to the standard required by University; and
 - do not constitute a risk to the health or safety of themselves or others, or of adversely affecting the working, learning, or living experiences of others.
- 10.5 If considered not fit to return to the programme, the student should be given a final opportunity to avail of an exit award, if one is available, or to voluntarily withdraw in consultation with the relevant Governing Board and subject to compliance with the University's regulations and policies. If the student does not avail of either option, the Governing Boards may terminate the student's registration.
- 10.6 The Chair of the Governing Board in receipt of the application shall convene a meeting of the Fitness to Continue in Study Subcommittee to review the application to return to study, and make a decision on whether the applicant should be admitted or readmitted or be considered unfit to study indefinitely.
- 10.7 The Chair of the Governing Board should inform the applicant in writing of their decision, copying ACCSCC and UCD Registry.

10.8 Where a student's registration was terminated or where they have been excluded from a programme they are not eligible to return to the programme. Any subsequent applications to other programmes will be flagged and considered by the Chair of the relevant Governing Board in consultation with the Fitness to Continue in Study Subcommittee Chair that terminated the student's registration or excluded the student from the programme.

11. Related Documents

- Continuation and Readmission Policy and Procedures
- Student Fitness to Practise Policy and Procedures
- UCD Student Code
- UCD Student Mental Health and Wellbeing Policy and Procedures
- Extenuating Circumstances Policy
- Leave of Absence Policy
- Withdrawal Procedure

12. Version History

Version	Approval Date	Summary of Changes	Approved By
1	27 April 2017	First Version	Academic Council
2	16 April 2020	Changes made a) to comply with the Student Appeals Process commencing September 2020, which moves decision-making in fitness to continue in study cases to Governing Boards, and b) to align in so far as possible with the Student Fitness to Practise Policy and Procedures.	Academic Council Executive Committee