



Academic Quality Framework

Fitness to Continue to Study

Approved by Academic Council

22 June 2022

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1. Introduction

- 1.1. Technological University Dublin (TU Dublin) is committed to supporting all students to complete their studies. There is a strong tradition of support for students in TU Dublin. Many students facing difficult and distressing circumstances will overcome adversity and develop and grow from these experiences with the help of support provided by friends, family, academic staff, and the administrative and professional support services in the University.
- 1.2. The progression of most students through the university is uneventful and little-or-no additional support is required. However, in certain circumstances, a student may require more extensive and coordinated support to reach their academic goals. Occasionally, despite the provision of additional support(s) the behaviour, welfare and/or wellbeing of a student is so adversely affected that it makes continuation of their study difficult or impossible. In addition, the impact on the wider academic community may interfere with the learning, working or living experiences of others to such an extent as to be deemed unreasonable and unsustainable.
- 1.3. This Policy and Procedure is expressly intended to be supportive of individual students who may be in distress or difficulty whilst also recognising the right of the wider University community to study, work and live free of undue duress/distress caused by others.
- 1.4. TU Dublin will endeavour to support its students whilst registered at another institution as part of their TU Dublin programme, in association with the host institution, where possible and practicable.

1.5. In matters relating to a student's Fitness to Continue to Study, TU Dublin is guided by relevant legislation as may be amended from time to time. In this regard, the University remains particularly mindful of its obligations under the Equal Status Act 2000-2018, as amended. The Working Group that developed this policy document would like to acknowledge the support and assistance of colleagues in University College Cork, whose experience with their Fitness to Continue to Study Policy informed the development of this policy.

2. Purpose

2.1. This Policy and Procedure to Support and Determine a Student's Fitness to Continue to Study, (hereafter called Fitness to Continue to Study Policy) is in place:

1. To support students

a. Whose behaviour, well-being or welfare are of concern to themselves or others.

OR

b. Whose behaviour or actions are impacting adversely on the learning, working or living experiences of others, to such an extent as to give rise to concerns as to their Fitness to Continue to Study.

AND

2.2. To provide formal supportive procedures to determine if and how a student is to be required to defer on grounds of fitness or continue to study, or withdraw from study.

- 2.3. There are well-established policies and procedures in place in TU Dublin to deal with students who are not achieving academically or whose behaviour is considered to breach University regulations. This Policy and Procedure is intended for circumstances not covered by the University's existing General Assessment Regulations or the Student Disciplinary Procedures.

3. Ownership and responsibility

- 3.1. The development, implementation and on-going review of this Policy is the responsibility of Academic Affairs.

4. Invoking this Policy

- 4.1. This Policy may be invoked at any one of three levels, according to the level of response needed, as judged by the person invoking it:
- 4.2. Level 1, 2, and 3 of this policy (see below section 13) may be invoked by either the Head of School with responsibility for the student's programme of study, or the Head of Student Support and Wellbeing.
- 4.3. However, in exceptional circumstances where a Disciplinary Committee is of the view that a serious Fitness to Continue to Study issue arises, the outcome of the disciplinary procedure may be referred back to the Head of School or the Head of Student Support and Wellbeing for consideration, who in turn may decide to invoke the Fitness to Continue to Study Policy in relation to the matter.
- 4.4. This Fitness to Continue to Study Policy generally shall not be invoked for circumstances already being considered under the following specific University policies or procedures (as amended)

- The Disciplinary Procedures,
- The General Assessment Regulations,
- Dignity and Respect Policy,
- Fitness to Practice.
- And, any other relevant university policies being invoked.

5. Students subject to the Fitness to Continue to Study Policy

- 5.1. As part of the registration process, all registered students of TU Dublin are required to accept the terms of this policy, regardless of their specific status (i.e. full or part-time, incoming visiting scholar) and the geographic location at which their studies may be taking place (i.e. external placement, international exchange).
- 5.2. TU Dublin students who are visiting another University or institution for a period of study or research shall be subject to the host institution's rules and policies and procedures for the period of their visit.
- 5.3. Operation of this Policy shall be consistent with the requirements of TU Dublin Protection of Children and Vulnerable Adults Policy. It should be noted that the TU Dublin Protection of Children and Vulnerable Adults Policy defines a child as someone under 18 years of age (excluding a person who is or has been married) and regard should be had to the provisions of that policy when dealing with persons.

6. Relationship with TU Dublin Protection of Children and Vulnerable Adults Policy

6.1. Operation of this Policy shall be consistent with the requirements of TU Dublin Protection of Children and Vulnerable Adults Policy. It should be noted that the TU Dublin Protection of Children and Vulnerable Adults Policy defines a child as someone under 18 years of age (excluding a person who is or has been married) and regard should be had to the provisions of that policy when dealing with persons.

7. Examples of Circumstances of Concern as to a Student's Fitness to Study

7.1. The following are examples of such circumstances where there may be concern as to a student's support needs and Fitness to Continue to Study and may be raised by members of the university or other 3rd parties (e.g., family members or class mates, University staff, work or research placement supervisors or even on occasions, members of the public). The list is not exhaustive, but an inventory of this and such information should be maintained by the school.

7.2. The concerns may be around a student's:

- Wellbeing, appearance, social-withdrawal, mood, physical health or welfare;
- Unexplained deterioration in academic performance;
- Behaviour which is very unusual or bizarre;
- Behaviour putting themselves or anyone else clearly at risk;
- Behaviour which is significantly distressing to others;
- Behaviour which is impacting significantly on the learning, working or living experience of others

- 7.3. Behaviour is intended to include behaviour which is face-to-face and in public as well as expressed written or on-line communications in print or via social media, text messaging or other electronic means. However, not all behaviour which appears to be a breach of the Disciplinary Procedures, may be considered under the Disciplinary Rules and as a disciplinary matter.

8. Embracing and Supporting Diversity

- 8.1. The University recognises and celebrates the rights of individuals to be different and embraces and supports diversity. The lived-experiences of one person are often very different than those of another. The customs and practices of the many different groups in our increasingly diverse University community may vary and require a degree of mutual understanding and mutual respect. It is important that these differences be recognised and accepted, within the boundaries of the law of the land. Occasionally what may be at first sight interpreted as bizarre and unusual behaviour, subsequently can be better understood and accepted in the spirit of accepting difference and accepting diversity.

9. Actions to be Considered Supporting Students in Distress

- 9.1. This policy and procedure is intended to help students who may be significantly distressed. The appropriate course of action to be undertaken will often depend on the urgency of the situation. The course of action may also need to be reviewed if the situation alters. The situations are classified in the TU Dublin Students in Distress Guide as **Immediate Danger / Academic Concerns / Personal Concerns** and the actions taken should depend on the urgency of the situation and on an assessment of the risk to the safety of individuals.

9.2. When a student is significantly distressed, it is always worthwhile considering activating the Policy and Procedures to Support and Determine a Student's Fitness to Continue to Study. Occasionally actions will need to be taken before there is time to formally invoke this Fitness to Continue to Study Policy. Situations classified as **Academic Concerns / Personal Concerns** may prompt consideration of invoking at least level 1, and possibly level 2 of the Fitness to Continue to Study Policy. **Immediate Danger** situations should prompt consideration of invoking at least level 2 and possibly level 3 of the Fitness to Continue to Study Policy.

10. Temporary Suspension on Grounds of Concern for Fitness to Continue to Study

10.1. The behaviour and actions of a student may be a cause of concern for the safety of the student and/or the safety of others, prompting consideration of the need to exclude the student from the University temporarily, pending further investigation and/or management of the situation. Where it appears in the opinion of the Academic Registrar that there are such grounds for concerns, then they, having sought such advice as they deem appropriate, shall be entitled to suspend a student on the basis that suspension is temporary and necessary to protect the University community. (See Appendix D)

11. Immediate Danger

11.1. The safety of individuals is paramount. Occasionally, the behaviour or actions of a student can put themselves or others in proximate danger. It is important that appropriate, timely actions are taken in response. In **Immediate Danger** situations these actions may need to be taken before there is time to invoke the Fitness to Continue to Study Policy. The fact that the University may invoke other Policies shall not prejudice its right to invoke the Fitness to Continue to Study Policy.

REMEMBER: If there is an immediate concern for the safety of any person, this should be reported to the Emergency Services on 999/112.

Local Porters Desk should also be informed

Grangegorman Control Room	01-2207615
Aungier St (Bishop St)	01-4027004
Bolton St	01-4023607
Blanchardstown Campus	01-2208083/01-2207794
Tallaght Campus	01-2208018/01-2208031

12. Levels of Response of Fitness to Continue to Study Procedures

12.1. As per section 6 above, in varying circumstances, concerns may be noted as to a student's support needs or their Fitness to Continue to Study. These should then be reported to either the Head of School* or the Head of Student Support and Wellbeing* because the student has failed to, (or are judged unlikely to), resolve with existing supports or actions. The seriousness of each circumstance and response required is a matter of judgement for the Head of School or Head of Student Support and Wellbeing and will determine whether any of Level 1, 2 or 3 Response is to be invoked.

13. Referral to Healthcare Professional

13.1. A student may be referred at any stage of the Fitness to Continue to Study Policy to a relevant healthcare professional to include but not limited to a Medical Practitioner, Consultant Occupational Physician, Consultant Psychiatrist or a Consultant Psychologist. Any such referral will be made through either the Head of School or Head of Student Support and Wellbeing.

13.2. The Student shall be obliged under this Policy to attend at such medical consultation and examination as required and shall cooperate with the appropriate healthcare professional but not limited to a Medical Practitioner, Consultant Occupational Physician, Consultant Psychiatrist, or a Consultant Psychologist as concerned in the provision of a medical report to the University. Failure to attend or a failure, in the opinion of the healthcare professional, to cooperate with any such Practitioner shall be deemed to be a failure to cooperate with the University's procedures.

13.3. Relevant reports from the appropriate healthcare professional under and for the purposes of this Policy shall be made available to either the Head of School, Head of Student Support and Wellbeing, and/or relevant committee established under the Fitness to Continue to Study Committee for consideration. The cost associated in the production of such report(s) obtained from the healthcare professional shall be borne by the university.

14. Level 1 response of Fitness to Continue to Study procedures

14.1. Level 1 Response of Fitness to Study Procedures is intended for circumstances where there are **emerging concerns** about a student. The particular circumstances can vary, as described in Section 6 above. Level 1 response usually (though not necessarily always) will be preceded by low level support, informal signposting and/or advice given to the student by University academic or support staff. In the event that the concerns persist, the person concerned should ensure that either the Head of School **or** Head of Student Support and Wellbeing has been alerted, who will (if they deem it necessary/appropriate) invoke Level 1 of these Procedures as follows:

1. Raise a Note of Concern (see Appendix A)
2. Notify the student in writing of the nature of the concerns expressed
Offer and arrange a face-to-face meeting to provide support or advice to the student from one or more of (a) Year Tutor/Supports at School level (b) TU Dublin Student Support services.
3. Close the Note of Concern if no further action is deemed necessary following 3.

Or

Escalate these Fitness to Study procedures and request that Level 2

Or

Level 3 be invoke.

15. Level 2 Response of Fitness to Continue to Study Procedures

15.1. Level 2 Response of Fitness to Continue to Study Procedures is intended for circumstances where there are either

- a) Continuing and on-going concerns persisting and unresolved from a Level 1 Note of Concern

OR

- b) Significant first concerns where it is deemed invoking a formal multi-disciplinary case review meeting is required

The Head of School or Head of Student Support and Wellbeing will consult and invoke Level 2 of these Procedures as follows:

1. Raise a Note of Concern (see appendix A) or continue the Note of Concern from Level 1
2. Notify the student through @mytudublin.ie email, of the nature of the concerns expressed.
3. Arrange a multi-disciplinary case-review meeting (see Appendix B)
 - a) To consider the nature of the concerns
 - b) To develop an agreed plan of action to support the student
 - c) To arrange to monitor the effectiveness of the plan in resolving the issue of concern, and
 - d) To arrange formal follow-up
4. Proceed to:
 - a. Close the Note of Concern if no further action is deemed necessary following

OR

- b. Support a student who wishes to voluntarily withdraw/defer from studies on grounds of fitness at this stage without the need to proceed to a Level 3 Response. It is intended that **all** students voluntarily withdrawing/deferring from TU Dublin on grounds of fitness should have been considered under a level 2 response of this Policy and Procedure.

OR

- c. Escalate these Fitness to Continue to Study procedures and request that Level 3 Responses be invoked because of concerns that the student's Fitness to Continue to Study needs to be formally considered and determined.

16. Level 3 Response of Fitness to Continue to Study Procedures

- 16.1. A Level 3 Response of this Fitness to Continue to Study Procedures is intended for circumstances where there are concerns that immediate consideration and determination of a student's Fitness to Continue to Study is required. It may be invoked immediately following either a Level 1 or Level 2 Response, or it may be invoked directly with no preceding Level 1 or 2 response, due to the seriousness of the concern for the health, wellbeing or welfare of the individual concerned, or for the impact the student's distress or behaviour is having on others.
- 16.2. The Head of School or Head of Student Support and Wellbeing will consult and invoke Level 3 of these Procedures as follows:
 - 1. Raise a Note of Concern (see appendix A)
 - 2. Notify the student in writing of the nature of the concerns expressed

3. Arrange a Fitness to Continue to Study Panel Review (see Appendix C) so the University Fitness to Continue to Study Panel considers the concerns expressed about the student. The outcomes possible from this review are
 - I. The Academic Registrar requires the student to defer from study for an agreed period
- OR**
- II. The Student is fit to continue to study subject to an action plan (as per level 2 Response)
4. Close the Note of Concern if no further action is deemed necessary following 3.

17. Right of Appeal

- 17.1. A student has the right to appeal the decision of the Academic Registrar to require the student to take leave of absence from study for an agreed period, as the outcome reached following a Fitness to Continue to Study Panel Review. (See Appendix E)

18. Return to Study Following a Period of Withdrawal

18.1. A student who withdraws/defers voluntarily or is required to take leave of absence, on grounds of fitness, shall be entitled to apply to re-register to recommence their studies at the end of the agreed period of absence. In such circumstances, the conditions of return to study will be determined by the relevant School, subject to the rules and regulations governing the relevant Programme. If the module or course is not running at the time the relevant School will provide guidance about the recommencement of the module/course/programme, or alternative modules as per the University's General Assessment Regulations. Return to Study procedures shall apply. (See Appendix G).

19. Record Keeping, Data Protection, Confidentiality

19.1. It is good practice for staff to keep brief notes of any interactions with students where there has been guidance or decisions in relation to personal issues, and to inform the student that you are making a record of the encounter. This should apply in particular for students causing concern.

19.2. The record should be dated and written as soon as possible after the interaction with the student. It should state the nature of the interaction and any action taken or advice given. If appropriate, it should also state whether or not the student gave consent for further action. Staff should be aware that these records may be subject to release under an FOI or Data Subject Access Request.

- 19.3. Records should be kept safely in Schools/Academic Units for a minimum period of five years and then destroyed. Confidentiality and security of notes should be maintained in accordance with principles of data protection legislation. Information on the University's Data Protection Policies and Procedures can be found on the website <https://www.tudublin.ie/explore/gdpr/>.
- 19.4. Once a Level 1, 2 or 3 Response of these procedures have been invoked a Note of Concern (Appendix A) must be raised and retained by the Head of Student Support and Wellbeing, or Head of School as appropriate. In addition to the Note of Concern, for Levels 2 and 3 responses, a written record of all multi-disciplinary case review meetings and Fitness to Continue to Study Panel Review meetings shall be raised and retained by the Head of Student Support and Wellbeing, or Head of School.

20. Election of Proxy

- 20.1. If an office holder post is vacant through ill health, retirement etc or leave of absence, then the Academic Registrar or other appropriate office holder shall appoint a person to carry out the designated functions under this Policy. Furthermore, where power or authority or functions are to be performed by a particular office holder of a post referred to in this policy such power or authority may be exercised by a person acting or deputising in such a role from time to time. Where this policy contains reference to a particular office holder as described in this policy and where the name or title of such office or post is changed then for the purpose of exercising the powers or functions any reference to the old name shall be deemed reference to the new name.

APPENDIX A: NOTE OF CONCERN

This note is to be raised by Head of School or Head of Student Services and Wellbeing

LEVEL 1 2 3 (CIRCLE APPROPRIATE)

Note of Concern as to a Student's Support needs and/or Fitness to Continue to Study

Student's Name:

ID Number:

Date of Birth:

Telephone/Contact Details:

Mobile Phone:

Email:

Next of Kin as registered on Banner:

Concern raised by:

Brief outline of concern:

*Brief factual description of the concern.
Specific examples/observations are particularly helpful.*

Comments/Observations of Academic/Admin/Support Staff/Others:

Record observations, with specific examples where available, of staff/others, other than the person who first reported concern. This can include observations/comments made by appropriate professional support services/academic mentors/welfare staff

Student's Comments/Observations:

The student should be invited to record his/her comments/observations on the concerns and the support plan/follow-up arrangements.

Agreed Action Plan:

This may include details of any supports recommended/arranged, as well as agreed outcomes that are desirable and limits of acceptable interactions/behaviour, where appropriate.

Review Date:

Important Note: (If Deferral or Withdrawal is being considered)

It is important to consider all possible financial implications of a leave of absence or withdrawal from your degree programme. There may be financial implications for your registration/tuition fees or grant if or when you return to third level education at a later date. Further detailed advice can be obtained from the Fees Office TU Dublin.

Declaration:

1. I understand the nature of the concern(s) raised by the University, as has been explained to me and outlined in this document and the possible impact/consequences that this/these concern(s) may have upon my own Fitness to Continue to Study.

2. I also understand the impact that this/these concern(s) may have upon the community of fellow students and staff who are working and studying at the University and to which I belong.
3. I have agreed to work towards the action plan outlined above, which has been developed to support me.
4. I understand that if I am unable or unwilling to carry out the action plan, the University will need to consider taking appropriate or remedial actions, or referral as my situation will require.
5. I understand and consent to information surrounding my Fitness to Continue to Study being shared with other relevant services within the University. A copy of this Action Plan will therefore be submitted to the Head of School/Campus Life and (*insert other specific*) and other staff as deemed appropriate by the Head of School/Head of Student Support and Wellbeing.
6. I am aware that this Note of Concern will be retained by the Head of School/Campus Life for the duration of my study.
7. Whilst I understand that the University has a duty of care to provide reasonable supports to me, I am responsible for my own health, wellbeing and actions and it is my responsibility to be fit to continue in study.
8. I agree to this case being reviewed (*insert x days/weeks or months' time*

APPENDIX B: LEVEL 2 RESPONSE: MULTIDISCIPLINARY CASE REVIEW

B1 Purpose

A multi-disciplinary case review meeting shall be convened by the Head of School, or Head of Student Support and Wellbeing, once a Level 2 Response is invoked under the Fitness to Continue to Study Policy:

1. To consider the concerns noted
2. To obtain the views of relevant parties including the student
3. To formulate an agreed support and follow up plan
4. To support a student who wishes to withdraw voluntarily/take leave of absence on grounds of fitness
5. To provide information to allow the head of School or Head of Student Support and Wellbeing determine if escalation to a Level 3 Response is required

B2 Attendees at/Submissions to the Multidisciplinary Case Review

The decision as to whom should attend or submit material to a multidisciplinary case review meeting will be made by the Head of School, or Head of Student Support and Wellbeing, on a case by case basis.

Chair Head of School, or Head of Student Support and Wellbeing, or Nominee

Attendees drawn from:-

1. Head of School, or Head of Student Support and Wellbeing or nominee.
(Attendance Mandatory)
2. The student. It is in the student's interest to attend at least a portion of any case review meeting and attendance should be encouraged. A case review meeting can proceed without the student if the student is unwilling or unable to attend. **(Attendance Desirable).**
3. The student may be accompanied by a friend/other to provide support.
(Attendance Desirable)
4. In circumstances where the student opts not to request a friend/other to attend, the student may opt to request that one of two named officers of the University (1 male, 1 female) provides advice and attends the meeting to assist and advise them. These officers to be nominated by the Head of SE.
(Attendance Desirable).
5. A student with a disability also has the right to be accompanied by a support worker as appropriate to their needs. **(Attendance Desirable).**
6. Individual(s) who reported the concern, as per the Note of Concern.
(Attendance Desirable)
7. Members of TU Dublin staff from other student services, e.g., Student Health Centre, Student Counselling and Development, the Disability Support Service, International Office. **(Attendance Desirable)**
8. Students' Union Welfare Officer and / or TU Dublin SU Student Affairs Manager. **(Attendance Desirable)**

In circumstances where any of the named above as “Attendance Desirable” or “As Needed” are not in a position/willing to attend, the Case Review Meeting will invite, accept, and consider a written submission in-lieu of attendance. The Chair shall reserve the right to determine if any parts of the meeting or material submitted are reserved business, and to be considered only by those deemed as Attendance Required, above.

B3 Conducting a Multidisciplinary Team (MDT) Case Review

The student will normally be informed in writing at least 48 hours prior to the meeting of the date, time and place of the meeting and the nature of the concerns to be addressed. The student should also be furnished with any documents that will be referred to in the meeting to include the Note of Concern. The above may be posted under “Private & Confidential” marking to the Student’s last known place of address according to the records of the University, and sent to the TU Dublin email address for the student. The multidisciplinary team case review meeting is an opportunity to develop a co-ordinated response that best meets the reasonable support needs of students.

The convening of and attendance at a multidisciplinary case review panel can be a source of stress for staff and particularly so for the student involved. It is important that the language used and the tone of communications before, during and after the Multidisciplinary Case Review takes account of the possibility of this stress for all concerned. The outcomes possible from a Multidisciplinary Case Review are listed in Section 14 above. It is highly desirable that a plan to support and monitor the student is agreed with the student, and signed off as agreed by both the student and the Head of School, or Head of Student Support and Wellbeing. A formal note of the case review meeting is taken and held by the Head of Student Support and Wellbeing.

(See Appendix A: Note of Concern) This Note of Concern is to be shared with the Head of School and others as deemed appropriate by the Head of Student Support and Wellbeing. The Note of Concern and a copy of the outcome should be furnished to the student as soon as practicable. The effectiveness of the measures taken are then reviewed at a follow-up Multi-disciplinary Case Review meeting, the time interval and date to be set by the Head of School, or Head of Student Support and Wellbeing. In the event that:

1. The student is unable or unwilling to commit to an agreed plan, **or**
2. The student is unwilling to allow sharing of the agreed plan with the Head of School,
or
3. There is a sufficient level of concern at the first Multi-disciplinary Case Review meeting,
or
4. The concerns persist/are not remitted sufficiently at a subsequent Multidisciplinary Case Review meeting.

APPENDIX C: LEVEL 3 RESPONSE: FITNESS TO CONTINUE TO STUDY PANEL REVIEW

C1 Purpose

A Level 3 Response shall be invoked by the Head of Student Support and Wellbeing in consultation with the Head of School and result in the convening of a Fitness to Continue to Study Panel Review to determine a student's Fitness to Continue to Study.

C2 Membership of a Fitness to Continue to Study Panel

The Fitness to Continue to Study Panel shall be convened as and when necessary by the Head of School or Head of Student Support and Wellbeing. The panel shall be constituted as follows:

1. The Academic Registrar (Chair)
2. The Head of School
3. Head of Student Support and Wellbeing
4. The SU President or Nominee.
5. Other relevant individuals in relation to the particular case as agreed by the Registrar and the Head of Student Support and Wellbeing, in attendance

C3 Conducting a Fitness to Continue to Study Panel Review

The student will normally be informed in writing at least 48 hours prior to the meeting of the date, time and place of the meeting and the nature of the concerns to be addressed. The student should also be furnished with any documents that will be referred to in the meeting to include the Note of Concern or any existing active Notes of Concern. The above may be under “Private & Confidential” marking to the Student’s last known place of address according to the records of the University, and sent to the TU Dublin email address for the student. The convening of and attendance at a Fitness to Continue to Study Panel Review may be a source of stress for staff and particularly so for the student involved. It is important that the language used and the tone of communications before, during and after the Fitness to Continue to Study Panel Review takes account of the possibility of this stress for all concerned. The Fitness to Continue to Study Panel shall consider existing active Notes of Concern, (or raise a New Note of Concern if none exists), and amend or record the Note raised to show it as a Level 3 Note of Concern. (See Appendix A)

It is in the student’s interest to attend at least a portion of any Fitness to Study Panel Review and attendance should be strongly encouraged. The student may be accompanied by one other person to provide support. A student with a disability also has the right to be accompanied by a support worker as appropriate to their needs. A Fitness to Study Panel Review can proceed without the student if the student is unwilling or unable to attend.

The Fitness to Continue to Study Panel shall consider relevant submissions and records already existing from earlier Level 1 or Level 2 responses relating to the Student. It shall also consider submissions from the student, when available. Expert, independent opinion shall be sought from suitably qualified professionals, who do not have a therapeutic conflict of interest. In most cases this opinion should be sought from a Consultant Occupational Health Physician or independent Consultant Psychiatrist of the University’s choosing.

The Fitness to Continue to Study Panel is not obliged to accept the recommendations of external experts, and the final decision as to a student's Fitness to Continue to Study is made by the Fitness to Continue to Study Review Panel. A simple majority applies in the event of non-unanimous opinion of members of the Panel. The outcomes possible following a Fitness to Continue to Study Panel Review are listed in 16 above. A copy of any outcome reached shall be sent to the student as soon as reasonably practicable.

APPENDIX D: TEMPORARY SUSPENSION

Where it appears in the opinion of the Academic Registrar that there are grounds for concerns about a student's Fitness to Continue to Study, then they, having sought such advice as they deem appropriate, shall be entitled to suspend a student on the following basis:-

- D1 That suspension is temporary and necessary to protect the university community and that on balance, the Academic Registrar is of a view that the duty of care owed to others is overriding in the particular circumstances.
- D2 A suspension may be verbal and to take effect as the Academic Registrar deems appropriate and shall be confirmed in writing as soon as is practicable.
- D3 That any such suspension is reported to the next scheduled meeting of Academic Council by the Academic Registrar and is reviewed by him/her, in consultation as may be appropriate, at least fortnightly thereafter. The Academic Registrar will update the Academic Council at scheduled meetings for the duration of the temporary suspension.
- D4 That suspension shall not be regarded as an indication as to whether or not the grounds for concern is proven.
- D5 That suspension may be limited to certain premises, placements or University activities or modules of studies.
- D6 That every reasonable effort is made to continue to support the student's academic studies so that, in so far as possible, the student is not disadvantaged academically. In the case of suspension due to mental health, continuation of support for the student's academic studies during the temporary suspension may not be possible.
- D7 That suspension shall be for no longer than the time necessary for a matter to have been considered and decided upon under this Fitness to Continue to Study policy or for an appeal to have been heard and decided upon.

- D8 In cases of suspension due to mental health issues, the suspension may be for a longer period and in such cases should be reviewed by the Academic Registrar and reported to the Academic Council at each scheduled meeting of the Academic Board while the suspension remains in place.
- D9 That this power shall be exercised with caution and with due regard to natural justice and fair procedures.
- D10 That the Academic Registrar shall be accountable to the Academic Council in respect of the exercise of his/her power of suspension.
- D11 Where the Academic Registrar exercises the power of suspension, they shall, as soon as practicable, notify the Head of School and/or the Head of Student Support and Wellbeing and shall call a meeting of the Fitness to Continue to Study Panel Review soon as practicable from the date of the suspension.

APPENDIX E: APPEALS

- E1 A student may appeal the decision of the Academic Registrar to require the student to take leave of absence from study for an agreed period, (as the outcome reached following a Fitness to Continue to Study Panel Review.)
- E2 Such appeals must be in writing and lodged with the Chair of the Fitness to Continue to Study Appeals Committee within 5 working days from the date of the posting of a decision notification by the Fitness to Continue to Study Review Panel to the student. The appeal must state in sufficient detail the grounds of the appeal.
- E3 Where an Appeal is made in accordance with the above, then the decision which was made by the Fitness to Continue to Study Review Panel shall be deferred until the Appeal is determined. The student shall be permitted to continue in study pending the outcome of the appeal and during this period of deferral. This provision for deferral does not apply in relation to a temporary suspension where in the opinion of the Academic Registrar that suspension is, on balance, necessary, to protect the public and the duty of care owed to others is overriding in the particular circumstances.
- E4 On receipt of an Appeal, the Chair of the Appeals Committee shall as soon as is practicable send notice of the Appeal to the Appeal Committee and to Fitness to Continue to Study Review Panel and request the Panel furnish to the Appeal Committee an accurate summary of the evidence and any submission tendered at the Panel review, including Notes of Concern from preceding Level 1 or Level 2 responses, the findings of the Fitness to Continue to Study Review Panel and the outcomes imposed on the student. The Chairperson of the Fitness to Continue to Study Review Panel, or his or her nominee, shall furnish this to the Appeal Committee so far as is practicable within 10 days of being so requested to do so by the Chair of the Appeals Committee.

- E5 The Appeal Committee will, at its absolute discretion, consider the Appeal in such a manner it deems appropriate to the circumstances of the case, having regard to fairness and due process.
- E6 The Appeal Committee shall not be obliged to hear or accept further submissions from the student, whether written or oral, but if it decides to do so, the student must be notified in writing and that notification must specify the date, time and location for the making of any oral submission or the date for the delivery of written submissions which date, in either case, must not, except in exceptional circumstances, be earlier than 10 days or more than 30 days from the date of such notification, unless stated otherwise.
- E7 The Appeal Committee shall have the power, should it see fit, to hold a fresh hearing into the matter.
- E8 The Appeal Committee shall determine the Appeal, and make whatever decision it considers appropriate in the circumstances on the balance of probabilities. The Appeal Committee shall have power to revoke or amend the decision of the Fitness to Continue to Study Review Panel in full or part. The Appeal Committee may direct the Fitness to Continue to Study Review Panel to reconsider the position further.
- E9 The decision of the Appeal Committee shall be final and binding and shall be reported to the Academic Registrar as Secretary of Academic Council.
- E10 The constitution of the Appeals Committee is set out in Appendix F below.

APPENDIX F: CONSTITUTION OF APPEALS COMMITTEE

- F1 The Academic Council shall establish a Fitness to Continue to Study Appeals Committee to consider any appeals arising from a decision of a Fitness to Continue to Study Review Panel
- F2 The Appeal Committee shall comprise of 5 members all of whom shall be members of the Academic Council.
- F3 The quorum of the Appeal Committee for any meeting or hearing shall be 3 members.
- F4 The Appeal Committee shall hold office for a period of 3 years.
- F5 No member of the Fitness to Continue to Study Review Panel shall be a member of the Fitness to Continue to Study Appeals Committee.

APPENDIX G: RETURN TO STUDY PROCEDURES

- G1** No less than 2 months prior to the end of the agreed period of absence the student will be issued with a letter of re-engagement by the relevant School and the Head of Student Administration will be issued with a copy of this letter. This letter may include conditions of re-engagement as defined by the School.
- G2** It is recommended that students returning after a leave of absence contact the School as soon as possible upon receipt of the letter of re-engagement to discuss the implications of returning to study, and if necessary ensure that any support is in place before recommencing their studies.
- G3** Failure on the part of the student to respond may lead to termination of studies.
- G4** The Head of School and/or the Head of Student Support and Wellbeing may require any returning students to attend for medical examination at a medical practitioner of the University's choosing and s/he will only be allowed to return on the production of a report from such designated medical practitioner that the student is fully fit to return. Students who were required to take leave of absence following a prior Level 3 response and a Fitness to Continue to Study Panel Review, are required to attend a Multi-disciplinary Case-Review meeting no later than 4 weeks following their re-registration on return to study. This Multi-disciplinary Case Review meeting shall be convened by the Head of Student Support and Wellbeing as described under Level 2 Response (Appendix B).
- G5** Students who voluntarily withdrew/deferred on grounds of fitness at a prior Level 2 Response, shall be encouraged to attend a face-to-face meeting with the Head of Student Support and Wellbeing or his/her delegate to consider any on-going concerns, and on-going support needs.

APPENDIX H: FITNESS TO CONTINUE TO STUDY PROCESS FLOW CHART

