



UNIVERSITY *of* LIMERICK

OLLSCOIL LUIMNIGH

University of Limerick
Student Fitness to Study Policy

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1 Introduction

For the purposes of this policy, fitness to study can be defined as being fit to participate and function in university life.

The University of Limerick (UL) recognises that a safe and supportive university environment is integral to facilitating academic progression and ensuring a positive student experience. During their time at university, some students may experience difficulties that impact adversely upon their physical or mental health, wellbeing or conduct. Indeed, in a minority of cases, the health or wellbeing of a student may deteriorate to the extent that questions arise regarding his/her capacity to pursue his/her studies, participate in university life and make appropriate use of university facilities. The conduct of an individual can also present a risk to others or disrupt the teaching, learning and/or third-level experience of others; place unreasonable demands upon staff; or otherwise interfere with the activities of the University.

The purpose of this policy is to promote and safeguard student health and wellbeing by ensuring conditions that are conducive to academic performance and a high-quality student experience. This is to be achieved, where possible, by providing reasonable supports to students experiencing circumstances of distress. In this regard, UL is cognisant of its obligations, pursuant to the Equal Status Acts 2000–2015, to provide ‘reasonable accommodations’ to students with a disability. The University strives to ensure that students are informed of the range of supports available to them, including their academic advisor and UL’s counselling, health and disability support services.

Another purpose of this policy is to ensure the protection of members of the campus community, including students, staff and the broader public, by providing an overarching framework for the effective management of fitness to study issues that may present a risk to the safety and wellbeing of others. To this end, an objective of the policy is to identify and subsequently support students whose behaviour, capacity, welfare or wellbeing is of concern to themselves or others or whose behaviour is having an adverse impact on or posing a risk to the learning, working or living experiences of themselves or others.

UL aims to foster independence and self-responsibility among its students. It is important, therefore, that students actively participate in fitness to study procedures and, with the support of the University, adopt appropriate steps to manage their own health and wellbeing. In implementing this policy, UL will collaborate with students in an inclusive manner and, where possible, seek to secure an outcome that is mutually agreeable.

2 Relationship with other UL policies

It is not anticipated that this policy shall be invoked in cases already being considered under UL’s Student Code of Conduct. However, following the investigation of a complaint against a student under the Student Code of Conduct and where there is a concern that physical or mental ill-health, personal stress or disability are adversely affecting the behaviour of the student, the University Advocate may recommend that the student be referred to this policy as an alternative to disciplinary procedures. After a discipline hearing has concluded, a student can be referred to this policy whether or not the student was found to have breached the Student Code of Conduct or whether or not a penalty was applied.

Furthermore, depending upon the nature and gravity of the concern, the Vice President Academic Affairs & Student Engagement or his/her nominee reserves the right to refer the outcome of the disciplinary process for consideration under this policy. Equally, in fitness to study cases where it is considered that a disciplinary issue may be in evidence, the Vice President Academic Affairs & Student Engagement or his/her nominee reserves the right to refer the outcome of the fitness to study process for consideration under the Student Code of Conduct.

Students bear responsibility in respect of their own wellbeing and, where possible, should be involved in the management of their fitness to study. In circumstances where a student is unwilling to engage with this policy, the University may invoke disciplinary procedures against the student.

This policy shall not be invoked to determine the professional competence of a student or shall not apply to cases being considered under UL's Fitness to Practise Policy.

This policy shall apply in a manner consistent with UL's Dignity and Respect Policy.

3 Ownership and responsibility

The Vice President Academic Affairs & Student Engagement or his/her nominee is responsible for the development, implementation and review of this policy.

4 Students subject to the policy

- 4.1 This policy applies to all undergraduate and postgraduate students registered with UL or attending UL on placement for a period of study or research. This policy, and all other relevant UL policies, shall apply automatically to these students upon their registration or attendance on placement.
- 4.2 While visiting another institution for a period of study or research, UL students shall be subject to the policies and procedures of that institution for the duration of their visit.
- 4.3 UL reserves the right, where appropriate, to invoke this policy in respect of UL students visiting another institution for study or research.

5 Grounds for concern

- 5.1 Issues that may impair the fitness of a student to study are wide-ranging and can arise at any time during the student's programme of study. This policy can be invoked when a student himself/herself, staff or others have concerns around the student's behaviour, capacity, welfare or wellbeing or consider that the student's behaviour is impacting adversely on or posing a risk to the learning, working or living experiences of the student or others.
- 5.2 For the purposes of this policy, concerns regarding a student may be disclosed to any member of UL staff by the student himself/herself or by any third party, including a family member, classmate or flatmate of the student, another member of UL staff, a member of support services or a member of the public.
- 5.3 Each individual case will be considered on its merits.

6 Actions to be taken in circumstances of urgency

6.1 Immediate, temporary suspension

6.1.1 Where the Vice President Academic Affairs & Student Engagement or his/her nominee reasonably believes that there is a risk to the health, safety or wellbeing of a student and/or other persons and where such risk requires immediate action pending further investigation or the taking of further steps, he/she shall be entitled to do either or both of these actions:

- i) Exclude the student temporarily from all or specified areas of UL, or from using specified University facilities or services, for a period that is reasonable in the circumstances
- ii) Suspend the student temporarily from his/her studies, or from a placement, for a period that is reasonable in the circumstances

6.1.2 This action may be taken where necessary for the protection of the student and/or the campus community and warranted by the duty of care owed by UL to the student and/or to others.

6.1.3 A suspension under this section shall not be regarded as proof of the grounds for concern raised nor as a determination upon the fitness of the student to study.

6.1.4 A suspension under this section may be verbal and may begin as soon as the Vice President Academic Affairs & Student Engagement or his/her nominee considers appropriate. A verbal suspension shall be confirmed in writing as soon as is reasonably practicable.

6.1.5 The power to suspend a student under this section shall be exercised with caution, having due regard to the principles of natural justice.

6.1.6 A suspension imposed under this section shall generally be for no longer than the time required for the matter to be considered and determined in accordance with this policy or for an appeal to be heard and determined. Any such suspension shall be reviewed at regular intervals by the Vice President Academic Affairs & Student Engagement or his/her nominee with a view to ascertaining whether the suspension should be continued, revoked or extended and whether any special arrangements should be put in place to permit, for example, the taking of an examination or completion of an assessment.

6.2 Engagement with emergency services

6.2.1 Circumstances may arise whereby a student poses such a significant and immediate risk to himself/herself or to others that an emergency response will be required beyond fitness to study procedures. Where this arises, the appropriate emergency services should be contacted (by dialling 999 or 112) and standard information provided. Where the emergency is medical in nature, it is necessary to report the items specified in UL's Medical Emergency Response procedure.

6.2.2 UL service staff or security personnel should to be alerted to the emergency immediately and shall guide the emergency services to the exact location. UL security services can be contacted on a 24-hour emergency basis on 3333 (from campus) or 061-213333 or 061-202010.

6.3 Referral to a relevant healthcare professional

At any stage of this policy, a student may be referred to a relevant healthcare professional, including UL counselling, health and disability support services. Under this policy, the student shall be required to attend, and cooperate with, any such consultation and examination. Refusal to so attend or cooperate shall be regarded as non-compliance with this policy.

7 Levels of response

Depending upon the perceived gravity of the concern raised and the level of response required, this policy may be invoked at any one of three levels.

7.1 Level 1 response

- 7.1.1 A Level 1 response may be invoked where concerns arise regarding the fitness of a student to study and where it is considered reasonable to attempt to resolve the issue informally.
- 7.1.2 The Level 1 response entails any member of staff bringing to the attention of the student the fact and nature of the concerns raised. The purpose of the Level 1 response and support is to resolve any concerns by reaching agreement with the student on recommended actions.
- 7.1.3 The availability of relevant supports, such as the academic advisor, course director and student support services, should be identified to the student. The student shall be notified in writing of the agreed course of action, timeframes and/or review periods.
- 7.1.4 The student should be informed that a Level 2 response can be invoked in situations where the relevant concerns remain unresolved or where additional concerns arise.

7.2 Level 2 response

- 7.2.1 A Level 2 response may be invoked where concerns regarding the fitness of a student to study remain unresolved on foot of a Level 1 response or where the concerns are of such gravity that it is not considered reasonable to attempt to resolve the issue informally.
- 7.2.2 The Level 2 response entails reporting the case in writing and referring it to the Vice President Academic Affairs & Student Engagement or his/her nominee for consideration. The written report shall include, if applicable, the course of action agreed at Level 1.
- 7.2.3 Where the Vice President Academic Affairs & Student Engagement or his/her nominee considers it appropriate to do so after reviewing the written report, he/she shall seek to enter into a voluntary agreement with the student with a view to resolving the concerns raised. This agreement shall specify actions to be undertaken by the student and the outcomes intended. The student shall bear responsibility for discharging the costs of any counselling or treatment(/s) to be availed of in accordance with the terms of the voluntary agreement. The agreement shall specify that in the event of non-compliance with the terms of the agreement, the case may be referred to Level 3 of this policy.

- 7.2.4 The Office of the Vice President Academic Affairs & Student Engagement shall set a date for reviewing the voluntary agreement and the extent to which there has been compliance with same.

7.3 Level 3 response

- 7.3.1 A Level 3 response may be invoked (i) where it is not possible for the Vice President Academic Affairs & Student Engagement or his/her nominee to reach a voluntary agreement with the student; (ii) where there is non-compliance with a voluntary agreement; (iii) where concerns continue despite the implementation of a voluntary agreement; or (iv) where the concerns are of such gravity that it is not considered feasible to address the matter by way of a voluntary agreement.
- 7.3.2 The Level 3 response entails referring the case to the Faculty Fitness to Study Committee for consideration.

8 Faculty Fitness to Study Committee

- 8.1 The Faculty Fitness to Study Committee shall comprise at least three members and shall be appointed by the Executive Dean. Two members shall be drawn from the faculty to which the student is attached, and the third member, who will act as chairperson, shall be drawn from outside the faculty to which the student is attached.
- 8.2 The Faculty Fitness to Study Committee shall:
- 8.2.1 Consider fitness to study matters referred to the committee
 - 8.2.2 Ensure that a fair, clear and consistent approach is adopted in relation to fitness to study matters
 - 8.2.3 Advise the faculty on matters relating to fitness to study
 - 8.2.4 Provide reports to the faculty, or other nominated committees, as required
- 8.3 The Faculty Fitness to Study Committee hearing process shall include the following steps:
- 8.3.1 Students shall be informed in writing that the Level 3 response has been initiated and that the committee shall meet to hear the case. A copy of this policy will be included in the correspondence. The student shall be given 10 days' notice of the date and time of the hearing. However, the student may choose to waive this notice period should the University be able to convene a committee meeting earlier.
 - 8.3.2 Any existing documentation to be considered by the committee shall be made available to the student in advance of the meeting, and the student shall be permitted to make his/her own written submissions in advance of the meeting.
 - 8.3.3 The student should confirm his/her availability to attend the meeting and advise if he/she intends to be accompanied by a friend, parent, Students' Union representative, academic advisor or other individual.
 - 8.3.4 At least five working days prior to the date of the hearing, the student may request and the chairperson of the Faculty Fitness to Study Committee may

grant a further period of time, not exceeding seven working days, to prepare for the hearing.

- 8.3.5 Members of the committee may request other relevant parties to attend the meeting to provide oral evidence and accounts of incidents or behaviour that have called into question the fitness of the student to study.
 - 8.3.6 If the student called to appear before the Faculty Fitness to Study Committee fails to do so on the appointed day without making a valid excuse, the committee may, if satisfied that the student had due notice of the hearing, proceed to deal with the matter in the student's absence. No adverse inference shall be drawn from the non-attendance of the student at the hearing.
 - 8.3.7 The chairperson of the Faculty Fitness to Study Committee shall outline the committee's procedures at the start of the hearing and advise the student of the range of potential outcomes.
 - 8.3.8 Members of the committee may ask the student questions in relation to concerns raised vis-à-vis his/her fitness to study.
 - 8.3.9 The committee shall be entitled to adjourn the hearing at any stage to seek further information or advice or for any other purpose as agreed by the majority of members of the committee.
 - 8.3.10 Having reviewed all the oral and written evidence before it, the committee shall make a decision as to whether the student is fit to continue with his/her programme of study.
 - 8.3.11 Decisions of the committee shall be taken by a simple majority. In the event of a tied vote, the chairperson shall have a casting vote.
 - 8.3.12 Hearings of the committee shall be minuted.
 - 8.3.13 In the case of each investigation undertaken by the committee, a copy of the decision of the committee and the reason(/s) for the decision, in such form as is deemed appropriate by the committee, shall be sent within five working days of the hearing to the student by way of the student's UL email account. In addition, within five working days of the hearing, the same communication will be sent to the student by registered post to the address notified to UL or delivered in person to the student by any employee or agent of UL.
 - 8.3.14 The student shall be informed of his/her right of appeal and notified that appeals are required to be made in writing to the University Fitness to Study Appeals Committee within two weeks from the date of the decision.
 - 8.3.15 The Faculty Fitness to Study Committee shall communicate the outcome of the hearing, where appropriate, to the relevant UL personnel and offices.
 - 8.3.16 The Faculty Fitness to Study Committee reserves the right to communicate details of the issues raised and the minutes and outcome of the hearing to the University Advocate for consideration under the Student Code of Conduct.
- 8.4 The following are the possible outcomes of a hearing before the Faculty Fitness to Study Committee:
- 8.4.1 Dismissal of the case with no further action to be taken.

- 8.4.2 Permission for the student to continue his/her programme of study subject to review under specified conditions, such as mentoring by a named senior academic member of staff.
- 8.4.3 A requirement that the student undergo medical, psychiatric and/or psychological examination at the expense of the University to determine the course of action to be taken by the student before he/she is allowed to proceed with his/her studies. A student declining such an examination shall be required to withdraw until such time as he/she is certified by an appropriately qualified person as fit to proceed with his/her studies. The qualified person must have expertise in the health area concerned and must currently work in that area.
- 8.4.4 Suspension of the student from his/her programme of study until the student demonstrates to the satisfaction of the Faculty Fitness to Study Appeals Committee that the requirements outlined in the course of action specified in 8.3.3 have been met. The student will be responsible for all costs associated with meeting the requirements outlined in the course of action. The student may provide his/her own treatment provider with a copy of any report arising from the examination undertaken with respect to 8.3.3 above.
- 8.4.5 A requirement that the student undertake a second attempt at certain elements of the programme of study, without academic penalty.
- 8.4.6 Termination of the student's participation in the programme of study with agreement to allow the student to transfer to another programme or avail of any approved exit programme strategy subject to receiving permission from the relevant course board and in compliance with UL's transfer policy and regulations.
- 8.4.7 Expulsion of the student from the University.

9 University Fitness to Study Appeals Committee

- 9.1 The Vice President Academic Affairs & Student Engagement or his/her nominee shall appoint members of the University Fitness to Study Appeals Committee on a case-by-case basis to hear appeals arising from a decision of the Faculty Fitness to Study Committee. The committee shall comprise at least three members, one of whom shall be external to UL and shall have academic or professional experience in the relevant or a comparable discipline.
- 9.2 No member of the Faculty Fitness to Study Committee that conducted the original hearing may be a member of the University Fitness to Study Appeals Committee. The committee shall not include staff members from the faculty of the student. The Vice President Academic Affairs & Student Engagement or his/her nominee shall appoint the committee's chairperson.
- 9.3 The University Fitness to Study Appeals Committee shall:
 - 9.3.1 Hear appeals from students on stated grounds in relation to outcomes arising from hearings of the Faculty Fitness to Study Committee
 - 9.3.2 Ensure that a fair, clear and consistent approach is adopted in relation to appeals

- 9.3.3 Provide reports to the Academic Council or its nominated committee, as required
- 9.4 The appeals process shall include the following steps:
- 9.4.1 The student shall be notified in writing that his/her appeal will be heard by the University Fitness to Study Appeals Committee. A period of 10 days' notice should be provided to the student of the date and time of the meeting. However, the student may choose to waive this period should the University be able to convene the committee meeting earlier.
- 9.4.2 A copy of all the relevant documentation that has been supplied in respect of the appeal shall be provided to members of the committee and to the student in advance of the meeting.
- 9.4.3 The student should confirm his/her availability to attend the meeting and should advise in advance of the meeting if he/she intends to be accompanied by a friend, parent, Students' Union representative, academic advisor or other individual.
- 9.4.4 Members of the committee may request other relevant parties to attend the meeting to provide oral evidence and accounts of incidents or behaviour that have called into question the fitness of the student to study.
- 9.4.5 Members of the committee may ask the student questions in relation to concerns raised vis-à-vis his/her fitness to study.
- 9.4.6 At any stage in the proceedings, the committee shall be entitled to adjourn proceedings to seek further information or advice or for any other purpose as agreed by the majority of the members of the committee.
- 9.4.7 Having reviewed all of the oral evidence, documentation and the outcome of the hearing of the Faculty Fitness to Study Committee, the University Fitness to Study Appeals Committee shall make a decision as to whether or not to uphold the original decision.
- 9.4.8 Decisions of the University Fitness to Study Appeals Committee shall be taken by a simple majority. In the event of a tied vote, the chairperson shall have a casting vote.
- 9.4.9 The committee will rule, where necessary, on whether the original stated outcomes are commensurate with the concerns substantiated.
- 9.4.10 Hearings of the committee shall be minuted.
- 9.4.11 The decision of the committee shall be communicated verbally to the student at the end of the meeting.
- 9.4.12 A copy of the committee's decision and reason(s) for the decision in such form and content as is determined appropriate by the committee shall be sent within five working days after the hearing by email to the student's UL email account and by registered post to the address notified by the student to UL or by personal delivery by any employee or agent of UL.
- 9.4.13 The decision of the committee shall be communicated, where appropriate, to the relevant UL personnel and offices.

- 9.4.14 The committee reserves the right to communicate details of the issues raised and the minutes and outcome of the appeal to the University Advocate for consideration under the Student Code of Conduct.
- 9.5 The following are the possible outcomes of an appeal before the University Fitness to Study Appeals Committee:
- 9.5.1 The decision of the Faculty Fitness to Study Committee is upheld.
 - 9.5.2 Dismissal of the case with no further action to be taken.
 - 9.5.3 Permission granted to the student to continue his/her programme of study subject to review under certain specified conditions, such as mentoring by a named senior academic member of staff.
 - 9.5.4 A requirement that the student undergo medical, psychiatric and/or psychological examination at the expense of the University to determine the course of action to be taken by the student before he/she is allowed to proceed with his/her studies. A student declining such an examination shall be required to withdraw until such time as he/she is certified by an appropriately qualified person as fit to proceed with his/her studies. The qualified person must have expertise in the health area concerned and must currently work in that area.
 - 9.5.5 Suspension of the student from his/her programme of study until the student demonstrates to the satisfaction of the University Fitness to Study Appeals Committee that the requirements outlined in the course of action specified in 9.3.4 have been met. The student will be responsible for all costs associated with meeting the requirements outlined in the course of action. The student may provide his/her own treatment provider with a copy of any report arising from the examination undertaken with respect to 9.3.4 above.
 - 9.5.6 A requirement that the student undertake a second attempt at certain elements of the programme of study, without academic penalty.
 - 9.5.7 Termination of the student's participation in the programme of study with agreement to allow the student to transfer to another programme of study or avail of any approved exit programme strategy subject to receiving permission from the relevant course board and in compliance with UL's transfer policy and regulations.
 - 9.5.8 Expulsion of the student from the University.

10 Return to study

- 10.1 Where a student voluntarily withdraws or has been suspended from his/her studies in accordance with this policy, he/she shall be entitled to apply to re-commence his/her studies. In those circumstances, the student must demonstrate to the satisfaction of the University his/her fitness to study. In this regard, the Vice President Academic Affairs & Student Engagement or his/her nominee may require a returning student to produce a report from a medical practitioner confirming his/her fitness to study. Where appropriate, the Vice President Academic Affairs & Student Engagement or his/her nominee may impose conditions upon the return of the student, such as a requirement that the student undergo mentoring by a senior

academic member of staff, engage with specified supports or attend review meetings.

- 10.2 The resumption by a student of his/her studies shall be overseen by the relevant faculty and governed by the rules and regulations applicable to the relevant programme. However, the student must return no later than the start of the relevant semester.
- 10.3 With permission of the course director and if feasible to do so, a student may re-join the programme earlier. Where a module or programme is not running at the time, the relevant faculty shall provide the student with guidance regarding the recommencement of the module or programme.

11 Data protection

- 11.1 UL is subject to the requirements of the Data Protection Acts 1988 and 2003, as amended. The University will process all personal data in accordance with the Data Protection Acts, its data protection policy and data protection compliance regulations.
- 11.2 In particular, the University will ensure that information relating to fitness to study is treated as sensitive student data subject to data protection standards concerning storage, access, dissemination and disposal.