

Policy Coversheet

Name of Policy:	Fitness to Study Policy and Procedure
Purpose of Policy:	To inform students and staff how students can be assessed to determine if they are fit to study
Intended audience(s):	All students registered on Staffordshire University awards and staff
Approval for this policy given by:	Academic Board
Last Review Date:	01/07/2017
Review Due Date: (3 years from last review)	01/07/2019
Individual responsible for review:	Registrar
Authorising department:	Student and Academic Services

STUDENT BEHAVIOUR

1.0 Introduction

Staffordshire University is a large community of staff and students and a microcosm of society as a whole. It is, itself, also a part of the local community in which staff and students live and work. We work, study and live alongside colleagues from all walks of life, from different educational and cultural backgrounds, with different beliefs and from different countries.

Students and staff of the University, visitors, other personnel working within the University and members of the local community all have the right to be treated with respect and dignity. We have a long-standing commitment to equality, diversity, social inclusion and mobility. We see these as central to our success in building an inclusive and welcoming culture for all. We will not tolerate discrimination, harassment or bullying by students or any anti-social or criminal behaviour which can damage and disrupt the lives of other students, staff, other personnel working within the University or other members of the community or bring the University into disrepute. Our Equality, Diversity and Inclusion Policy states that:

'we expect our students to be considerate of others during their time at the University - fellow students, staff, other personnel working within the University and visitors should be valued and treated with respect.....a key part of the student experience is to collaborate with a diverse range of people. This will provide invaluable understanding of others' culture, background, outlook and experiences in readiness for the world of work.'

The Student Charter states that: 'You will recognise that you are part of a learning community and respect those around you by treating others with tolerance, dignity and respect, either in person or virtually.'

Under the Equality Act 2010 we have a duty to eliminate unlawful discrimination, harassment and victimisation on the basis of the following protected characteristics:

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion or Belief
- Sex (Gender)
- Sexual Orientation

Every individual is also personally liable under the Equality Act 2010 for their conduct. Certain incidents of harassment may also render individuals liable to prosecution in courts of law, under either civil or criminal legislation. The University therefore has a legal as well as moral responsibility to eradicate harassment and bullying in those areas within its control.

Under this legislation we also have a duty to advance equality of opportunity and foster good relations.

2.0 General Principles

2.1 All students are expected to behave in a courteous and respectful manner to fellow students, staff, other personnel working within the University and members of the outside community.

2.2 Poor behaviour will not be tolerated by the University and the University's Disciplinary Procedure may be invoked. Examples of breaches of discipline are attached (Appendix 1).

2.3 Harassment and bullying can take a variety of different forms ranging from repeatedly ignoring a fellow student or member of staff or subjecting them to unwelcome attention, to intimidation, humiliation, ridicule or offence. More extreme forms of harassment and bullying include physical threats or violence. Harassment and bullying may consist of a single incident or a series of incidents. Behaviour that may appear trivial as a single incident can constitute harassment or bullying when repeated. Harassment and bullying behaviour may not always be intentional, but is always unacceptable, whether intentional or not. Differences in individuals' attitude, background or culture can mean what is perceived as harassment by one individual may not seem so to another.

2.4 Harassment and bullying may include the following:-

- **Harassment on the grounds of age** may include ridicule, jokes or insults about a person's age, or singling a person out for different treatment as a result of their age.
- **Harassment on the grounds of disability** can take the form of individuals being ignored, disparaged or ridiculed because of their disability. The disability rather than their ability can become the focus of attention. Harassment can also include inappropriate personal remarks, jokes or inappropriate reference to a person's appearance.
- **Harassment on the grounds of gender reassignment** can include jokes, name calling, humiliation, exclusion or being singled out for different treatment.
- **Harassment on the grounds of race** may include jokes about, or gratuitous references to, a person's colour, race or nationality. It can also include offensive remarks about dress,

culture or customs which have the effect of ridiculing or undermining an individual or fostering hatred and/or prejudice towards others or particular groups.

- **Harassment on the grounds of religion or belief** may include jokes or insults about items of clothing, religious artefacts, religious beliefs or rituals.
- **Harassment on the grounds of sex can include** deliberately excluding someone because they are the only man or woman in a team or group, Harassment on the grounds of sex is distinct from sexual harassment as, whilst the behaviour relates to a person's sex, it is not sexual in nature.
- **Harassment on the grounds sexual orientation** can include homophobic remarks or jokes, offensive comments relating to a person's sexual orientation, or threats to disclose a person's sexual orientation to others.
- **Sexual harassment** takes place when a person of either sex does something of a sexual nature (which might be verbal, non-verbal or physical) which has the purpose or effect of:
 - violating a person's dignity, or
 - creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.
- Sexual harassment can take the form of ridicule, sexually provocative remarks or jokes, offensive comments about dress or appearance, the display or distribution of sexually explicit material, unwelcome sexual advances or physical contact, demands for sexual favours or assault.

2.5 Harassment may also take place on the grounds of a person's socio-economic status or any other characteristic that makes them different from the majority or from the person who harasses or bullies them. Any difficulty in defining what constitutes harassment should not deter individuals from complaining about behaviour that causes them distress. These examples are by no means exhaustive.

2.6 Although the terms 'harassment' and 'bullying' are not synonymous, the guidance in this policy document relates to both issues and the term 'harassment' will be used within this document from this point onwards to encompass both.

2.7 The over-riding principles in dealing with allegations or concerns of harassment are that they must be taken seriously, considered carefully and addressed speedily and, where possible, in confidence.

3.0 Responsibility of individual students in relation to conduct and behaviour

3.1 Every individual has a responsibility to behave in a way that is not

offensive to others.

3.2 Every individual has a responsibility to acknowledge that views and opinions held by others may not always coincide with their own; such differences are unlikely to constitute harassment.

3.3 Students are expected:

- To arrive on time for lectures, tutorials and meetings with staff.
- Not to talk to other students during lectures and tutorials unless as part of a discussion instigated by the lecturer.
- Refrain from using offensive language, including making rude or derogatory remarks.
- The Library has long opening hours and at times, it is staffed by security staff. These security staff should be treated with politeness and respect at all times and any requests made by them should be followed.
- To treat the library environment with respect and not disrupt others when using library resources and buildings especially during self service opening hours.

This list is not exhaustive

3.4 Students, whose behaviour is considered inappropriate, may be asked to leave the class, library or lecture and, if so, will be reported to the Dean in whose Faculty the student is based. Depending on the circumstances of the behaviour(s), action may be taken against the individual student(s) under, the University's Student Disciplinary Procedure.

3.5 Incidents which involve the disruption of others and/or harassment or bullying will be reported by the appropriate Dean of Faculty or Director of Service to the Registrar who will keep a record of such incidents. Depending on the circumstances of the incident(s), action may be taken against the individual student(s) under, the University's Student Disciplinary Procedure.

4.0 Advice, support and procedures

Individuals who feel that they may be the subject of harassment and wish to make a complaint against another student or member of staff of this University should pursue the issue by using the University's Complaints Procedure. Students may wish to consult staff in the University Equality & Diversity Team or in the Students' Union Advice Centre for advice, for example, on completing the complaints form.

FITNESS TO STUDY

5. Scope & Purpose

This policy and its related procedures are to be followed where a student displays behaviours which give significant cause for concern about their fitness to study and where use of the Student Disciplinary Procedure would be inappropriate.

6. General

- 6.1 The University is committed to supporting all students to fulfil their potential. It is recognised that there will be occasions where, for example, a student's mental health condition may impact on their own, or others, ability to fulfil that potential. This policy and its related procedures are designed to outline the action that the University will take to address fitness to study concerns and to ensure that issues can be dealt with in a clear and open fashion.
- 6.2 This policy and its related procedures are not intended to give guidance on wider matters relating to students with mental health issues. Such guidance is provided in the University's Mental Wellbeing guidelines. However, this policy is intended to ensure a consistent approach to managing situations in which a student's behaviour is giving cause for significant concern.
- 6.3 The University is committed to the principles of equality and inclusivity and seeks to facilitate and promote positive mental health and well-being through the recognition and understanding of all disabilities.
- 6.4 Students are encouraged to declare any disability, illness or disease that is likely to interfere with their studies or the health and wellbeing of other students. This allows the University to discharge its duty of care and enables reasonable adjustments to be made to support students in their studies in line with Equality legislation.
- 6.5 The Fitness to Study procedure is not intended to be a legal process. The University does not normally engage legal professionals in the handling of such cases and, consequently, it is not expected that students would be required to do so either. As a result, students are not permitted to use the services of legal professionals in relation to Fitness to Study.

7. Duty of Care

The University has a duty of care to **all** members of its community in order to ensure the health, safety and well-being of its students, staff and visitors. In exceptional cases, therefore, this duty of care may require the University to withdraw a student if that student presents a serious and immediate risk to themselves or to other members of the University community.

8. Data Protection & Confidentiality

The University is governed by the Data Protection Act 1998 and will

treat all personal information - including sensitive personal information relating to students' mental and physical health - as confidential.

Personal information about a student obtained under this policy and procedure will only be shared with those members of staff of the University who need to know that information in order to offer appropriate support to the student or to enable the operation of this policy and its procedures.

9. Grounds on which Fitness to Study should be assessed

A student's fitness to study may be a cause for concern as a result of a wide range of circumstances, including but not limited to the following:

- a) Concerns about the student's fitness to study are raised from a third party.
- b) The student has informed a member of staff that they have concerns about their own fitness to study.
- c) The student's disposition is such that it indicates that there may be need to address an underlying issue. Behaviour that would normally be dealt with under the Disciplinary Procedure, which may be known or suspected to be the result of an underlying physical or mental health issue.
- d) A student's behaviours are having an adverse effect on the health, safety or wellbeing of other students and/or staff.
- e) The student's academic performance or personal conduct is not acceptable and is thought to be as a result of an underlying physical or mental health issue.

10. Stage 1 – informal meeting

10.1 Once concerns have been raised concerning a potential fitness to study issue, the Award Leader (or equivalent) and Student Guidance Advisor should arrange to meet with the student as soon as possible. At this meeting, a clear explanation will be given to the student about the concerns raised and the meeting will be conducted in a sympathetic and supportive manner. The student may be accompanied by a representative or fellow student.

10.2 The aim of the meeting will be to attempt to identify any underlying causes for the concerns raised and determine if any adjustments can be made to alleviate these concerns.

10.3 The student will be referred to specific sources of support available at the University and to outside agencies if appropriate.

10.4 An action plan should be determined and agreed upon between the student and the Award Leader (or equivalent), including specific review dates. Further informal meetings will occur on these review dates to determine if the concerns previously raised are being resolved. A copy of the action plan should be sent to the student within five working days of the first informal meeting. A copy of this documentation should also be sent to the Academic Regulations & Compliance Officer

and the Faculty Associate Dean of Learning and Teaching.

11. Stage 2 – continued concern

- 11.1 If the concerns have not been resolved by the actions in Stage 1, or if the member of staff identifying the concern considers that the case is too serious to be dealt with under Stage 1 of the procedure, the student can be referred to Stage 2 of the procedure.
- 11.2 A formal meeting will be arranged with a panel of staff in order to make an assessment of the student's fitness to study.
- 11.3 Membership of the Fitness to Study Panel shall comprise:
- a) A Head of the School
 - b) Registrar or nominee
 - c) Specialist Student Advisor from the Student Enabling Centre
- 11.4 The Academic Regulations & Compliance Officer or nominee will act as Secretary to the meeting.
- 11.5 The student will be invited to attend the meeting of a Fitness to Study Panel. The student will be informed of their right to be accompanied by a fellow student or a representative from the Students' Union. The student will be given notice of the meeting date at least 5 working days in advance along with a copy all documents presented to the Panel.
- 11.6 The letter of invitation to the Fitness to Study Panel will include the following information:
- a) A clear outline of the concerns raised.
 - b) Confirmation that the student may be accompanied to the meeting.
 - c) The membership of the Panel considering the case.
 - d) Encouragement for the student to speak to their Doctor, the Student Enabling Centre or Student Guidance Advisor prior to attendance at the meeting.
- 11.7 The purpose of the meeting will be to discuss the areas of concern and assess the student's fitness to study. The Fitness to Study Panel will seek to identify a way forward that is likely to serve the best interests of the student, balanced with the best interests of other members of the University. The outcome of the meeting may include one or more of the following (this list is not exhaustive):
- a) Agreement by all concerned that the concerns raised have been or will shortly be resolved and that further action is not required.
 - b) Agreement by the student to a formal action plan to remedy the situation. This might include, for example, referral to the University's Counselling Service or outside agencies such as drug and alcohol abuse agencies. Where appropriate, the action plan may include clearly defined timescales.
 - c) Agreement by the student to intermit for a specified period of time. Re-admission following this period of intermission will be

determined by the Dean of the Faculty in which the student studies and may require evidence that the student has engaged in a specific therapeutic programme if appropriate.

- 11.8 The Fitness to Study Panel will be held in the student's absence if the student chooses not to attend or, despite all reasonable attempts, the University has not been able to contact the student. If the student is able to provide good reason for their absence, the meeting will be rescheduled as soon as possible.
- 11.9 A written record of the meeting shall be made by the Secretary and this will include any agreed action plan. A copy of the written record and action plan will be sent to the student within five working days of the meeting. Copies of this action plan may also be sent to members of staff in the University who will be responsible for assisting the student to undertake the actions required. A copy of this record will be maintained in the Student Office and on the student record held in the Faculty. It will be the responsibility of the Secretary to the meeting to ensure that actions arising from the meeting are followed up.

12. Stage 3 – serious & immediate concerns

- 12.1 If concerns about a student have not been resolved by the actions in Stage 2 of these procedures, or a student's behaviour raises serious immediate and concerns that they pose a risk to themselves or to others, then the member of staff identifying the concerns should inform the Registrar immediately.
- 12.2 The Registrar, in conjunction with other appropriate staff this will include an alternative member of the Faculty Management Team, staff from residential accommodation, the Students' Union and Student Enabling Centre. A risk assessment will be conducted to identify the level of risk to the student and /or to others and determine whether continued study may put the student and/or others at an unacceptable risk or further exacerbate the student's condition. The panel will also consider whether the student's health or behaviours demonstrate an inability to meet the learning outcomes of the award. All available evidence will be included as part of the risk assessment.

The risk assessment will normally result in one of two possible outcomes:

- a) The level of risk to the student and/or others is within acceptable levels and Stage 2 of these procedures should (continue to) be followed.
 - b) The level of risk to the student and/or others is unacceptable and Stage 3 of these procedures should (continue to) be followed.
- 12.3 If the risk assessment concludes that there is an unacceptable level of risk, the Registrar will convene an urgent meeting with the student, who may be accompanied by a fellow student or representative, and relevant staff to discuss the outcomes of the risk assessment. This

meeting will consider various options in relation to the student, including temporary suspension or a recommendation to the Vice Chancellor that the student is withdrawn from the University.

13. Return to Study

13.1 Following any period of suspension under these procedures, it may be appropriate for a student to return to their studies. While each specific case will be considered on its merits, in all cases a student's return to study will be conditional upon satisfactory medical evidence of fitness to study. Medical evidence should be from a GP or relevant health professional, with sufficient knowledge of the student's circumstances to be able to make an informed statement about the student's fitness to study.

13.2 The decision to permit a student to return to study after a period of suspension will be made by the Registrar, in consultation with relevant staff. Any decision to permit a return to study might include conditions as deemed appropriate to the particular case (such as a return to study plan or a requirement for the student to attend regular review meetings).

14. Appeal

14.1 Students have the right to appeal against any decision taken under Stage 3 of these procedures. An appeal must be based on one of the following grounds:

- a) there is new evidence that would have significantly affected the outcome and which could not reasonably have been made available during Stage 3 of the process;
- b) that there was a material procedural irregularity with regard to the process which demonstrably affected the outcome;
- c) that the Stage 3 decision was manifestly perverse. In this context, perverse is taken to mean that the decision was not a possible conclusion that a similarly convened review might have reached.

14.2 A student wishing to submit an appeal, must submit their request in writing within 15 working days of the date of the decision to the University Secretary. If a student has been excluded from the University, their appeal will be heard by the Vice-Chancellor.

14.3 Upon receipt of a student's appeal letter, the Vice-Chancellor or his nominee will respond within 10 working days. The decision of the Vice Chancellor will be final. At this time the University will consider that its procedures have been concluded and the student will be issued with a letter to this effect.

15. Disabled students

We take our responsibilities to disabled students seriously. If a student needs the University to make reasonable adjustments in order that the student can attend a meeting in relation to the Fitness to Study procedure, the student should contact the University in advance in order that individual needs can be addressed, where possible. This could mean relocating the hearing to a more accessible venue and/or making arrangements for a communicator or advocate to be present at the hearing. To enable us to do this, please contact the Academic Regulations & Compliance Officer - email regulations@staffs.ac.uk within 3 days of date of the date of the meeting. This may lead to a delay in the meeting but it will be arranged as soon as possible.

16. Students on Distance Learning Awards, those studying at Partner Institutions in the UK or overseas or based overseas

16.1 It is recognised that attendance at a Fitness to Study Panel in the University might be problematic for students on distance learning awards, or studying at Partner Institutions in the UK or studying or living overseas. As a result, such students will therefore be given the opportunity to:

- i) Attend a hearing or interview in the University; OR
- ii) Attend a hearing or interview in one of the University's Partner Colleges with the permission of that Partner Institution.
- iii) Video conferencing of such a hearing or interview will be considered where appropriate; OR
- iv) Respond by correspondence to an identified member of staff in the University in accordance with the particular stage of the regulation in question

16.2 In all such cases, the timescales in these procedures will need to be adjusted. However, both the student and the University will be expected to fulfil their respective responsibilities within a reasonable timeframe.

16.3 Where students are studying at an overseas Partner Institution, then the University delegates responsibility to the partner to apply the University's procedures. In those cases, a relevant member of Faculty staff will advise the overseas Partner Institution about operation of this procedure.

17. Office of the Independent Adjudicator (OIA)

Under the Higher Education Act 2004, Staffordshire University subscribes to the independent scheme for the review of student appeals. Once the University's internal procedures for the review of a student appeal have been exhausted, the University will issue you with a 'completion of procedures letter' to confirm that the University's procedures are complete and to advise you to contact the OIA if you wish to have your appeal reviewed further (provided that it is considered eligible under the OIA's rules).

Equality issues have been taken into account during the

development of this policy and all protected characteristics have been considered as part of the Equality Analysis undertaken.

Appendix 1

Student Disciplinary Procedures

Breaches of Discipline

The following is indicative of types of breaches of discipline but it is not intended to be exhaustive. For the purposes of these procedures the word "University" includes the University's Students' Union.

1. Disruption of, or interference with, academic, administrative, sporting, social or other activities of the University.
2. Discrimination, bullying or harassment on the grounds of race, disability, sex (gender), religion or belief, sexual orientation, gender reassignment, age or any other behaviour which causes fear or distress to others including threatening, abusive, disorderly or unreasonable behaviour.
3. Behaviour that damages good relations between people sharing a protected characteristic or between people not sharing a protected characteristic.
4. Conduct which prevents, obstructs or disrupts the holding or orderly conduct of any meeting or other lawful assembly in the University or which would cause the University to be in breach of its statutory duty to provide education and interfering with the due discharge of the University's duties.
5. Fraud, deceit, deception, dishonesty or misappropriation of University funds or assets, misuse or falsification of any records or documents held by the University, its staff, students or visitors.
6. Any improper access to or disclosure of computerised or other data held by the University or accessible through University equipment or networks.
7. Non-declaration of information which the University judges relevant to the continuation of your registration on your award e.g. non-declaration of a criminal conviction or caution since your last CRB or DBS check.
8. Conduct which constitutes a criminal offence.
9. Conduct likely to damage or threaten the reputation of the University.
10. Damage to, or wrongful treatment of, the property (including University controlled student residential accommodation) or equipment of the University or any of its staff, students or visitors, or any action likely to cause injury to any person or impairing the health and safety of the

premises or its occupants, or contravening the University's policy on Health and Safety.

11. Action or omission which could cause loss, damage or injury or put others at risk.
12. The possession, use and/or supply of any controlled drugs as covered by the Misuse of Drugs Act 1971.
13. A breach of any of the University's rules, regulations, codes of conduct or procedures, or any failure to comply with any ruling made as a result of disciplinary proceedings, whether formal or informal.
14. A breach in standards of behaviour which includes rude or derogatory remarks, swearing or abuse of any kind to fellow students or members of staff or other personnel working within the University.
15. Any other act or behaviour which may reasonably be interpreted as a breach of discipline, within the terms of these procedures.