

## **Fitness to Study (Undergraduates)**

### **1. Rationale for the Policy**

1.1. Undergraduates admitted to the College are normally expected to commence and complete their course of study within the specified duration of the relevant programme. It is recognised, however, that a delay or a suspension of study will sometimes be necessary and in the interests of an individual student's health or well-being. The College also recognises that in some cases reasonable adjustments are required to enable a student to continue on course, or return to study following a period of suspension. The current Policy sets out general procedures to manage such cases. At the same time, it is recognised that each case will also be managed on an individual basis, paying due regard to individual circumstances.

1.2. The Fitness to Study procedures are based on the premise that students should be involved in the management of their own wellbeing wherever possible. Should a student, however, be unwilling or unable to participate in the procedures, the College may nevertheless follow its Fitness to Study procedures where it is reasonable to do so.

1.3. The College will through its procedures promote early intervention and active collaboration with students. The College will endeavour to deal with such matters sensitively and non-judgementally and in a spirit of cooperation. Nevertheless, it is recognised that cases may arise in which, under its procedures, the College may make a determination that a student is unfit to study and that his or her studies should be suspended or, in exceptional circumstances, terminated.

### **2. Definition of Fitness to Study**

For the purposes of this policy, "fitness to study" refers to a student's fitness:

- to commence a distinct course of academic study; or
- to continue with his/her current course of academic study; or
- to return to his/her current or another course of academic study

and his or her ability to meet both:

- the reasonable academic requirements of the course or programme; and
- the reasonable social and behavioural requirements of a student member (whether resident in college or not) without his or her physical, mental, emotional or psychological health or state having an unacceptably deleterious impact upon the health, safety and/or welfare of the student and/or other students and/or University or college staff.

### **3. Circumstances Under Which a Student's Fitness to Study Might be Brought into Question**

3.1 Fitness to study procedures may be triggered when College is alerted to any of the following concerns:

- A significant deterioration in the perceived health or welfare of a student. This deterioration may be evidenced by or may impact on the student's ability to meet the reasonable academic requirements of their course of study (for example, a persistent inability of a student to submit work or to attend tutorials, classes, lectures, seminars or meetings) or to participate in other normal aspects of the life of a student;
- A student's behaviour causing concern in relation to their own health, safety and welfare;
- A student's behaviour adversely affecting the learning environment or the health, safety and welfare of others.

3.2. Concerns about a student's fitness to study may be raised by a variety of individuals, for example College or University staff, other students, and third parties such as medical professionals. A student may also raise concerns about their own fitness to study, for example, where they wish to suspend voluntarily.

3.3. Fitness to study procedures may be triggered at any stage of a student's course of academic study, including when the student is on a year abroad or on a placement.

3.3 It is envisaged that fitness to study procedures will need to be used only where University and College support for health and welfare and for academic studies, including adjustments required by law, are insufficient to prevent a fitness to study question from arising or continuing. This includes:

- cases where the College believes that in order to continue studying a student may require a support plan but the student is unwilling to seek the advice of a competent medical professional;
- cases where a support plan has been put in place to enable a student to continue studying but the student negates or refuses to engage with the support plan.

### **4. Relationship with Other Procedures**

Fitness to Study procedures are not an alternative to decanal or academic disciplinary action. These and other procedures (for example, fitness to practice) may also be initiated where appropriate. Similarly, a student's fitness to study may be considered notwithstanding that other procedures have been invoked. However, the College will normally refrain from considering parallel procedures about the same substantive matter.

The College's Decanal and Academic Discipline procedures are set out in the Student Handbook (sections C and B.6 respectively):

<https://www.bnc.ox.ac.uk/about-brasenose/official-information> (under 'Student Policies, Rules and Regulations')

## 5. Overview of Fitness to Study Procedures

5.1. The College has two Fitness to Study Officers: The Lead Fitness to Study Officer (LFO) and the Designated Fitness to Study Officer (DFO). The LFO is in most cases the Diversity, Equality and Harassment Officer. They oversee the Fitness to Study Procedures and chair the Formal Fitness to Study Case Review under stage 2. The DFO is responsible for arranging the Informal Case Review under stage 1 of the procedures. In most undergraduate cases, the DFO will be the Senior Tutor (ST). The DFO will administer Stage 1 of the procedures in consultation with the LFO and other Welfare Officers as appropriate.

5.2. The procedures in this Policy have three stages:

**Stage 1: Informal Case Review:** informal resolution of the fitness to study concerns through discussion, which may be repeated. This includes initial action by the DFO when concerns are first raised. The DFO will facilitate meetings with the student in an attempt to resolve the concerns through discussion and agreement, followed, if necessary, by a review period and a follow-up meeting.

**Stage 2: Formal Fitness to Study Case Review:** where prolonged or more serious concerns are identified, the Designated Fitness to Study Officer (DFO) and Lead Fitness to Study Officer (LFO) will arrange a formal Case Review meeting to which the student will be invited;

**Stage 3: Fitness to Study Appeal Panel:** where the student disagrees with the decision or recommendation of the Formal Fitness to Study Case Review panel, the student will be given the opportunity to appeal the decision or recommendation.

5.3 The three-stage process does not have to progress in sequence. It may be accelerated according to (a) the seriousness of the concerns or (b) the stage that has been reached in other procedures to manage the student's academic progress and/or health and welfare. The last stage of the procedure will only be triggered if the student appeals the decision or recommendation made by the Formal Fitness to Study Case Review panel under stage 2.

## 6. Stage 1: Informal Case Review

6.1. It is expected that the great majority of Fitness to Study cases will be resolved at this stage – including cases which involve students' requests to suspend study or where academic progress concerns indicate that a support plan may be needed or an existing plan modified.

6.2. At the onset of a Fitness to Study case, the Designated Fitness to Study Officer (DFO) will take the following actions:

- Contact the student, and where relevant request a medical assessment which describes the nature of the student's condition and provides a plan or prognosis for his or her recovery.
- Seek the student's consent to discuss (in a discreet manner and on a need-to-know basis) their circumstances with other relevant College or University officers.

- Consider – on the basis of any medical documentation, on advice sought from the College Doctors and University Disability Office as appropriate, and in conjunction with the relevant College or University officers – whether reasonable adjustments could be made by the College or the University which would enable the student to make appropriate progress on their programme of study.

6.3. The student may be accompanied at an Informal Case Review meeting by a member of the Oxford SU Student Advice Service, a member of the College, junior or senior, or an advisor including those who are able to support students with a disability.

6.4. Following an Informal Case Review meeting, the DFO and the student will typically agree on one of the following outcomes:

- that **no further action** is required;
- that an action plan be put in place to support the student in their progress. The action plan can, among other things, require the student to i) engage with the college doctors and other health professionals as appropriate or ii) engage with the University's Disability Advisory Service in the creation of a Student Support Plan;
- for the DFO to recommend to the Executive Council that the student's study be suspended for a period of time.

6.5. In cases where suspension is requested by the student, the DFO will make a recommendation to the College's Executive Council, in light of the medical evidence provided by the student. In determining whether to recommend a voluntary suspension of study, the DFO will give weight to the following considerations:

- whether there is clear and compelling evidence that the student is unfit to continue studying;
- whether suspension will improve the student's well-being, with the reasonable expectation that the student will be fit to continue study at the end of the period of voluntary suspension (if necessary, with appropriate support and reasonable adjustments);
- in cases where reason for suspension arises from a long-term and/or on-going health condition, whether the student has engaged with welfare support and services and it is clear that continuation with reasonable adjustment and appropriate support is no longer feasible;
- in cases where a student has completed course work and has reached the FHS examination stage or commenced final examinations, whether there are alternatives to suspension that would permit graduation (for example, an aegrotat or splitting FHS examinations over two sessions).

Recommendations for suspension of study will be put to the Executive Council by the DFO for agreement. If appropriate, conditions will be attached to a student's return to College: for example, provision of a medical certificate from a medical professional with experience of the

demands of study at Oxford. Any conditions attached by the Executive Council shall be specified at the time in writing by the DFO or other designated College Officer.

6.6. If a concern regarding fitness to study arises whilst the student is on placement or a year abroad, the DFO may discuss and consider alternative arrangements with the student. If it is not possible for alternative arrangements to be made, a possible outcome may be for the student's placement or year abroad to be withdrawn. Suspension, deferral or other adjustments would then be considered with the student.

6.7. After an Informal Case Review meeting, the DFO will ensure that the student is sent an email or confirmation in writing of the steps that were agreed between them and invite the student to confirm that the email represents their understanding of what was agreed.

## **7. Stage 2 – Formal Fitness to Study Case Review**

7.1 A referral to a Formal Fitness to Study Case Review will be appropriate in the following non-exclusive circumstances:

- if no agreement has been reached following an informal meeting under stage 1. This includes circumstances where a student wishes to suspend voluntarily, but the DFO has declined to recommend a suspension of study following an informal meeting under stage 1;
- If the steps agreed at an informal meeting under stage 1 have not been effective;
- if the referral or request to the Designated Fitness to Study Officer is thought to be too serious at the outset to be dealt with by informal discussion and agreement or where informality of procedure is not appropriate to the circumstances;
- if the College has been supporting a student with ill-health or welfare for some while but the student is still unable to meet the academic, social, or behavioural requirements of their course of study and this is having an unacceptably deleterious impact upon the health, safety and/or welfare of the student and/or other students and/or University or college staff.

7.2 The Formal Fitness to Study Case Review panel will be composed of three members: normally the LFO, the DFO, and the Dean, or other suitable Welfare Officers. The student will be invited to attend the meeting. They may be accompanied by a member of the Oxford SU Student Advice Service, a member of the College, junior or senior, or an advisor including those who are able to support students with a disability.

7.3 Before the meeting, the Designated Fitness to Study Officer and/or the Lead Fitness to Study Officer will give the opportunity to the student to provide further evidence, in addition to the evidence already provided under Stage 1 of the procedures. This includes, where appropriate, medical assessments. In addition, it may also be appropriate to invite to the Formal Fitness to Study Case Review meeting those with a significant interest in the student's academic progress, health and welfare, for example, the student's college tutor, and other members of the University and

college's academic and welfare support staff who have knowledge of the student's health, safety, welfare and academic progress.

- 7.4 Should the student choose not to undertake a medical assessment or to disclose the contents of the assessment, the College will continue with this procedure based on the information already in its possession. The Formal Fitness to Study Case Review panel may then draw such inferences as are reasonable and are entitled to take a precautionary approach to risk in the absence of evidence, including medical evidence being provided by the student.
- 7.5. Having taken advice from all concerned, and taken into account the student's wishes, the Formal Fitness to Study Case Review panel will make a decision or recommendation to the Executive Council. It may:
- decide that **no further action** is required;
  - decide to **formally monitor** the student's progress for a specified period of time **and put in place an action plan**. The action plan can, among other things, require the student to i) engage with the college doctors and/or other health professionals as appropriate and/or ii) engage with the Disability Advisory Service in the creation of a Student Support Plan;
  - recommend to the Executive Council that the student's study be suspended for a period of time;
  - recommend to the Executive Council that the student's programme of study be terminated.
- 7.6. Cases where the Formal Case Review panel recommends that a student's study be suspended, but the student is unwilling to suspend are expected to arise infrequently. Such recommendations will typically be made only as a result of one or more of the following circumstances:
- The student is in a significantly compromised physical state.
  - The student manifests significantly compromised psychological or social function (e.g. suicide risk, profound social withdrawal, marked cognitive impairment).
  - The student needs intensive treatment (day patient, inpatient, or in some cases outpatient where students find it very difficult to make time for treatment) as recommended by a medical professional.
- 7.7. Cases where the Formal Case Review panel makes a recommendation to terminate a student's programme of study are expected to be exceptional and will only be considered if suspension and other measures have proven unsuccessful.
- 7.8. After a Formal Fitness to Study Case Review, the LFO or DFO will ensure that the student is sent an email or confirmation in writing of the decision or recommendation made by the panel.

## **8. Stage 3: Fitness to Study Appeal Panel**

Any student wishing to appeal against decisions taken with respect to fitness to study and suspension must give notice in writing (email suffices) to the Principal within five working days of receiving written (including email) notification of the decision of the Formal Fitness to Study Case Review panel. This period may be extended at the Principal's discretion.

The appeal shall normally be considered by a panel consisting of five members of the Governing Body, including the Principal (or a delegate) who will act as Chair. If the Principal is absent, the matter will be dealt with by the Vice Principal or another senior Fellow. The LFO, DFO, and the Dean may not hear the appeal. The student will be invited to attend. They may be accompanied by a member of the Oxford SU Student Advice Service, a member of the College, junior or senior, or an advisor including those who are able to support students with a disability. The panel will have discretion to reach a decision on the basis of written reports or statements where the student is unable or unwilling to present their evidence in person.

The panel shall have the authority to seek professional medical advice (in the first instance from the College Doctors). The College also reserves the right to refer appeals to the University Fitness to Study Panel and ask it to make a recommendation, should the student dispute a decision. The College panel would then decide whether to implement the University panel's recommendation. Relevant College or University officers may also be asked to provide information or attend as appropriate. The panel shall convene as soon as is consistent with due process and communicate the decision to the student in writing within five working days of the panel's decision being made.

The decision of the panel represents the College's completion of procedures and this should be stated in the decision letter. Further recourse, should the student remain dissatisfied with the outcome, would be to the Office of the Independent Adjudicator.

## **9. During a Period of Suspension**

9.1. Where a student suspends study, the following additional actions will normally be taken. The DFO (or another appropriate College Officer acting on their behalf) will:

- Make contact with the student to establish his or her intentions in respect of returning to study.
- Where appropriate, request medical certification which confirms in principle that the student is fit to return to study.
- Seek the student's consent to update and consult as appropriate with other relevant College or University officers to facilitate return arrangements.
- Consider on the basis of medical documentation and/or advice sought from DAS whether reasonable adjustments need to be made in respect of the student's return to study.
- Maintain contact with the student at appropriate intervals following his or her return.

- Maintain (securely and confidentially) written records throughout the process in accordance with the University's confidentiality guidelines.

9.2. Suspension of study is usually only possible for a period of time not exceeding one year. It is recognised, however, that a further period of suspension may sometimes exceptionally be necessary and in the interests of an individual student's health or well-being.

In such cases, the Fitness to Study procedures will apply again and a recommendation will be made to the Executive Council either under stage 1 or 2 of the procedures.

## **10. Related Policies and Student Support**

The College subscribes to the University's guidelines on confidentiality and to the Common Disability Framework

<https://academic.admin.ox.ac.uk/confidentiality-and-sharing-information>

<https://academic.admin.ox.ac.uk/common-framework-for-supporting-disabled-students>

Free welfare support is available to all students within the College and also at University level:

<https://www.bnc.ox.ac.uk/current-students/welfare-support/welfare>

<https://www.ox.ac.uk/students/welfare?wssl=1>

Free independent advice is also available to all students:

<https://www.oxfordsu.org/advice-wellbeing/contact-advice/>

Sub Dean, on behalf of the Dean (1<sup>st</sup> February 2023)

Amended following consultation with the Senior Tutor and College Office (16<sup>th</sup> February 2023)