



**POLICY AND PROCEDURES TO SUPPORT AND
DETERMINE A STUDENT'S FITNESS TO
CONTINUE IN STUDY**

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REMEMBER: If there is an immediate concern for the safety of any person, this should be reported to the National Emergency Services on 999. DCU Glasnevin Security Services should also be informed via the DCU Emergency Tel. Contact Number 700-5999.



1. Introduction

Dublin City University (DCU) recognises its responsibility to support students to complete their studies. For the majority of students, progression to completion of their studies is uneventful, with little or no need for additional support. This is not always the case, however. In certain circumstances there is a need for a formalised coordinated response to support a student in distress. Occasionally, even with additional support, the behaviour, welfare or wellbeing of an individual student is so adversely affected as to make continuation in study difficult or impossible and/or their continuation in studies is likely to interfere with the learning, working or living experiences of others to such an extent as to be deemed unreasonable and unsustainable.

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. In matters relating to a student's fitness to continue in study, DCU 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 and the Equal Status (Amendment) Act 2012.

There are established policies and procedures in place in DCU to deal with students who are not achieving academically or whose behaviour breaches the DCU Student Code of Conduct. This Policy and Procedure is intended for circumstances not covered by the University's existing academic regulations or the Student Code of Conduct.

2. Purpose

The Policy and Procedure to Support and Determine a Student's Fitness to Continue in Study, hereinafter referred to as the 'policy', is in place to:

1. identify and 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 in study

AND

- 2. to provide supportive formal procedures to:

- a. enable students to withdraw / take leave of absence voluntarily on grounds of fitness

OR

- b. determine if a student is to be required to take leave of absence or be required to terminate their studies on grounds of fitness.

3. Ownership and Responsibility

Ownership

The development, implementation and on-going review of this policy is the responsibility of the Director of Student Support & Development, under delegated authority from the Vice President for Academic Affairs/Registrar.

Invoking this Policy

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. Level 1 of this policy (see section 13 below) may be invoked by the Chairperson of the relevant programme, in consultation with the Head of the School with responsibility for the student's programme of study and, if appropriate, members of Student Support & Development. Level 2 can be invoked by the Head of School and Level 3 of this policy (see below sections 14-15) can be invoked by the Director of Student Support & Development.

Advice may be sought by the Chairperson or Head of School from the Director of Student Support & Development, if in doubt as to the appropriate level.



4. Students Subject to this Policy

All registered students of DCU shall be subject to this policy. Students subject to this policy shall also include any student visiting DCU for a period of study or research under the Erasmus Programme, Study Abroad programme or other similar programmes involving placement in DCU from another domestic or international university or institution. By registering at the University, or attending under a placement agreement, all students are automatically subject to this policy and to all other relevant university policies. DCU students who are visiting another university or institution for a period of study or research shall be subject to the host institution's rules, policies and procedures for the period of their visit. DCU will endeavour to support its students whilst registered at another institution as part of their DCU programme, in association with the host institution, where possible and practicable.

5. Relationship with other University Policies and Procedures

This policy generally shall not be invoked for circumstances already being considered under the Student Code of Conduct or breach of academic regulations. However, in exceptional circumstances where the Disciplinary Committee are of the view that a serious fitness to continue in study issue arises, the outcome of the disciplinary procedure may be referred back to the Head of School or the Director of Student Support & Development for consideration, who in turn may decide to invoke this policy in relation to the matter.

Operation of this policy shall be consistent with the requirements of the University's child protection policy (['Keeping Children Safe – Policies and Procedures Supporting Child Protection at DCU'](#)). Please note that the University's child protection 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 under this policy.

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

There is a strong tradition of support for students in DCU. Many students facing difficult and distressing circumstances will overcome adversity and develop and grow from these experiences with the help and support provided by friends, family, academic staff, and the administrative and professional support services in the University. It is very much in the interests of students and the University that this tradition of support continues. This policy is intended to build on that tradition, and to enhance it, by identifying steps to be taken when it is considered that the circumstances are such as to be unlikely to be resolved through the use of existing supports. The following list shows examples of such circumstances where there may be concern as to a student's support needs and fitness to continue in study. The list is not exhaustive and each circumstance should be considered on its own merits.

- 3rd party reports of concern are disclosed. The 3rd parties may be family members, classmates, flatmates, student support services staff, lecturers or other university staff, work or research placement supervisors or even on occasions, members of the public. 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.

'Behaviour' is intended to include behaviour which is face-to-face and in public as well as expressed in written or on-line communications in print or via social media, text messaging or by other electronic means.

All behaviour which appears to be a breach of the Student Code of Conduct rather than a fitness to continue in study issue, should be considered under the Student Code of Conduct and as a disciplinary matter.

7. Tolerance of Difference – Embracing and Supporting Diversity

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 to those of another. The customs and practices of the many diverse ethnic groups in our increasingly international 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.

8. Actions to be Considered while Supporting Students in Distress

This policy is intended to help students who may be significantly distressed and not in a position to identify their level of distress. In supporting a student who is causing real concern or who may be significantly distressed, staff should act in accordance with the advice contained in the [‘Working with Students in Distress’](#) guidelines, which can be found on the Counselling & Personal Development webpages of the University’s website. 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.

When a student is significantly distressed, it is always worth considering the option of activating the Policy and Procedures to Support and Determine a Student’s Fitness to Continue in Study. Occasionally actions will need to be taken before there is time to formally invoke this policy. Situations classified as non-urgent / non-emergency should prompt consideration of invoking at least Level 1, and possibly Level 2 of the policy. Urgent / emergency situations should prompt consideration of invoking at least Level 2 and possibly Level 3 of the policy.

The safety and welfare of the student and those around them is to be considered in the first instance.



9. Temporary Suspension on Grounds of Concern for Fitness to Study

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 immediately suspend the student from the University temporarily pending further investigation and / or management of the situation. Where it appears, in the opinion of the Vice-President for Academic Affairs/Registrar, that there are such grounds for concerns, then he / she, having sought such advice as he / she deems appropriate, shall be entitled to suspend a student on the basis that suspension is temporary and necessary to protect the University community (see Appendix E).

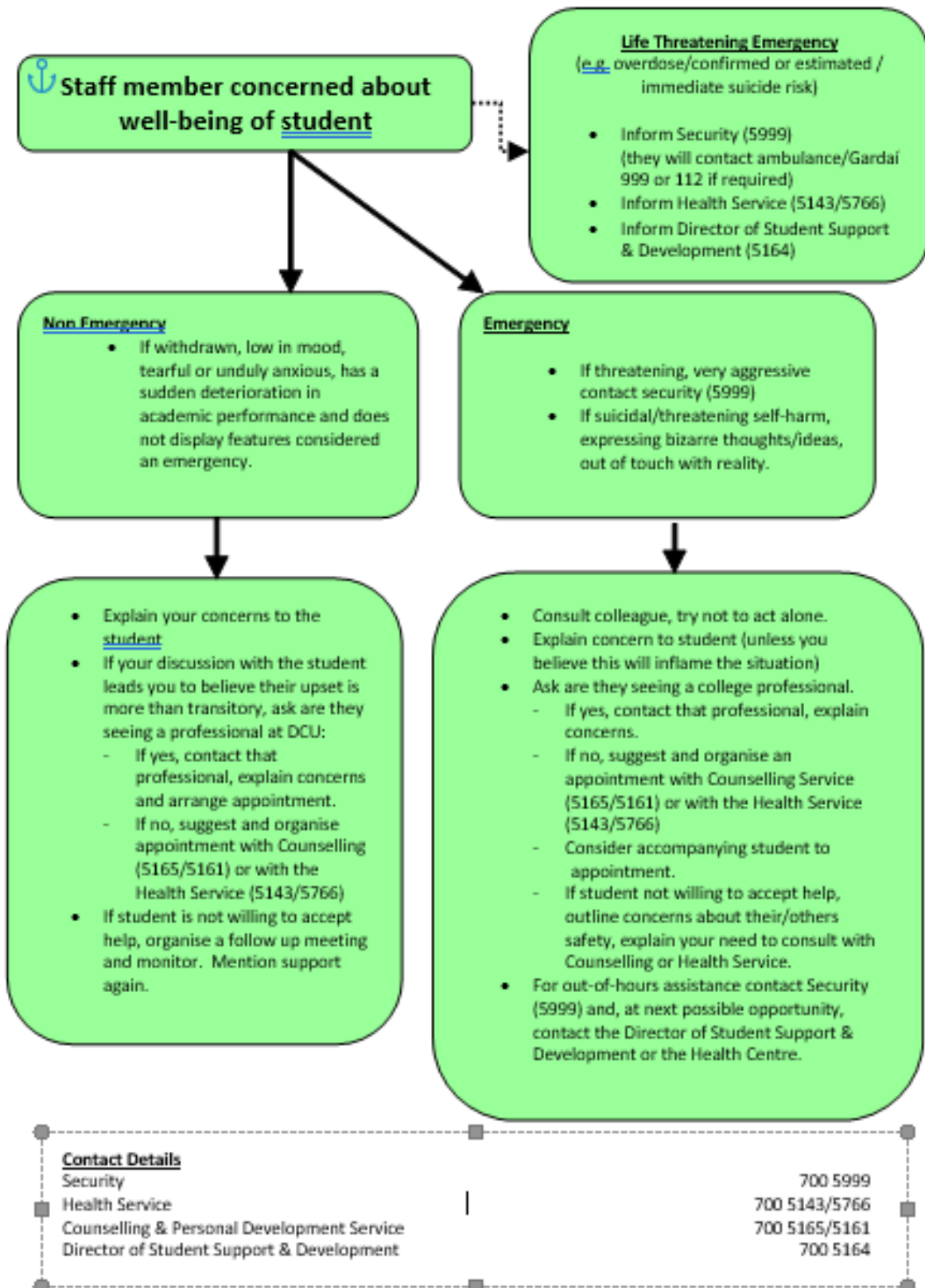
10. Emergency Situations

The safety of individuals is paramount and overrides our obligation to confidentiality. If you are very concerned about a student, contact the student support services immediately, irrespective of whether this is breaching students' confidentiality or not. This approach is supported by our Third Party Confidentiality Policy.

Occasionally, the behaviour or actions of a student can put themselves or others in proximate danger. It is important that appropriate and timely actions are taken in response. The steps illustrated in the flow chart below are those recommended. In urgent / emergency situations these actions may need to be taken before there is time to invoke this policy. The fact that the University may invoke other policies shall not prejudice its right to also invoke this policy.

REMEMBER: If there is an immediate concern for the safety of any person, this should be reported to the National Emergency Services on 999. DCU Security Services should also be informed via the DCU Emergency Tel. contact number 7005999.

HOW TO RESPOND TO A STUDENT IN A PSYCHOLOGICAL AND/OR MEDICAL CRISIS



Further information can be found [here](#).

11. Levels of Response of Fitness to Study Procedures

As per Section 6 above, in varying circumstances, concerns may be noted as to a student's support needs or their fitness to continue in study. These should then be reported to either the Head of School or the Director of Student Support & Development. The seriousness of each circumstance and response required is a matter of judgement for the Head of School and/or the Director of Student Support & Development and will determine whether or not any of the levels 1, 2 or 3 responses are to be invoked.

12. Referral to Healthcare Professional

A student may be referred at any stage of this policy to a relevant healthcare professional which includes, but is not limited to, the Student Health Centre or the DCU Counselling & Personal Development Service. Any such referral will be made through the Director of Student Support & Development. The Student shall be obliged under this policy to attend such medical consultation and examination as required and shall cooperate with the Medical Practitioner concerned in the provision of a medical report to the University. Failure to attend or a failure, in the opinion of the Medical Practitioner, to cooperate with any such Practitioner shall be deemed to be a failure to cooperate with the University's procedures.

13. Level 1 Response of Fitness to Continue in Study Procedures

The Level 1 Response of this policy is intended for circumstances where there are emerging concerns about a student which have been raised with the student directly but which continue to persist. The particular circumstances can vary, as described in Section 6 above. A Level 1 response will usually (though not necessarily always) be preceded by low level support, informal signposting and / or advice given to the student by the University's academic or support staff. In the event that the concerns persist, the Chairperson, in consultation with the relevant Head of School, should consider invoking Level 1 of these procedures as follows:

1. Chairperson of Programme, in consultation with the relevant Head of School, raises a 'Note of Concern' (see Appendix A)
2. The student is notified in writing of the nature of the concerns expressed
3. A face-to-face meeting is arranged to provide support or advice to the student from the School or through Student Support & Development
4. The 'Note of Concern' is closed if no further action is deemed necessary following step 3 above **or** the concern is escalated to Level 2 or Level 3.

See Appendix B for further information.

14. Level 2 Response of Fitness to Continue in Study Procedures

Level 2 of this policy 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 at Level 2 or 3 is required.

The Head of School will invoke Level 2 of these procedures as follows:

1. The Head of School, in consultation with the Chairperson of the relevant programme raises a 'Note of Concern' (see appendix A).
2. The student is notified, in writing, of the nature of the concerns expressed.
3. A multi-disciplinary case-review meeting (see Appendix C) is arranged to:
 - 3.1. consider the nature of the concerns
 - 3.2. develop an agreed plan of action to support the student
 - 3.3. arrange to monitor the effectiveness of the plan in resolving the issue of concern; and
 - 3.4. arrange formal follow-up.



4. Proceed to:
- 4.1. The 'Note of Concern' is closed if no further action is deemed necessary following step 3 above.
- Or
- 4.2. A student who wishes to voluntarily withdraw or take leave of absence from studies on grounds of fitness is supported to do this, without the need to proceed to a Level 3 Response. It is intended, but not essential, that all students who are voluntarily withdrawing or taking leave of absence from DCU on grounds of fitness should have been considered under a Level 2 response of this policy.
- Or
- 4.3. The Director of Student Support & Development, upon consultation with the Head of School, invokes a Level 3 Response because of concerns that the student's fitness to continue in study needs to be formally considered and determined at this level.

See Appendix D for further information.

15. Level 3 Response of Fitness to Continue in Study Procedures

The Level 3 Response of this policy is intended for circumstances where there are concerns that immediate consideration and determination of a student's fitness to continue in 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 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.

The Director of Student Support & Development, in consultation with the Head of School, invokes Level 3 of these procedures as follows:

1. Raise a 'Note of Concern' with the Vice-President Academic Affairs/Registrar (see appendix A).
2. Vice-President Academic Affairs/Registrar notifies the student in writing of the nature of the concerns expressed.



3. Vice-President Academic Affairs/Registrar arranges a Fitness to Continue in Study Panel Review (see Appendix D) so that the panel can consider the concerns expressed about the student. The outcomes possible from this review are:

The student is fit to continue in study, subject to an action plan (as per Level 2 Response).

or

The Vice-President Academic Affairs/Registrar requires the student to take leave of absence from study for an agreed period.

or

The student must terminate their studies at the University.

4. Close the 'Note of Concern' if no further action is deemed necessary following step 3 above.

16. Right of Appeal

A student has the right to appeal the decision of the Vice-President Academic Affairs/Registrar to require the student to take leave of absence from study for an agreed period or to terminate their studies at the University (see Appendix F).

17. Return to Study Following a Period of Withdrawal

A student who withdraws / takes leave of absence voluntarily or is required to take leave of absence, on grounds of fitness, shall be entitled to apply to re-register to re-commence 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 and, where relevant, in consultation with the Director of Student Support & Development. If the module or programme is not running at the time, the relevant School will provide guidance about the recommencement of the student's studies. Return to study procedures shall apply. (See Appendix H).



18. Record Keeping, Data Protection and Confidentiality

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 such a record is being kept. This should apply in particular for students causing concern.

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.

Records should be kept safely in Schools until the student has graduated, and then destroyed. Confidentiality and security of notes should be maintained in accordance with the University's Data Privacy Policy.

Once a Level 1 or 2 Response of these procedures have been invoked, a Note of Concern (Appendix A) must be raised and retained by the Head of School or the Director of Student Support & Development, 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 in Study Panel Review meetings shall be raised and retained by the Head of School *and* the Director of Student Support & Development, in accordance with the University's Data Privacy Policy.

19. Election of Proxy

If an office holder post is vacant at the time that this policy is being invoked, then the Vice-President for Academic Affairs/Registrar or another 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.

20. Appendices

Appendix A: Note of Concern

Appendix B: Level 1 Response - Local Intervention

Appendix C: Level 2 Response - Multi-disciplinary Case Review

Appendix D: Level 3 Response - Fitness to Continue in Study Panel Review

Appendix E: Temporary Suspension


Appendix F: Appeals

Appendix G: Constitution of Appeals Committee

Appendix H: Return to Study Procedures

Appendix I: Appeals Form

21. Version Control

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|--------------------------|--------------------------------------|--|
| Document Name | Fitness to Study Policy for Students |  The logo of Dublin City University (DCU) is located in the bottom right corner of the table. It features the letters 'DCU' in a stylized font, with the full name 'Dublin City University' written below it in a smaller font. |
| Version Reference | 2.0 | |
| Document Owner | Student Support & Development | |
| Approved by | Executive | |
| Date | 1st June 2021 | |

APPENDICES



APPENDIX A: NOTE OF CONCERN

LEVEL 1 - 2 - 3 (circle, as appropriate)

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

Student's Name:

Programme and Year of Study:

Student ID Number:

Mobile Phone:

Email:

Concern raised by:

Brief Outline of Concern

Please provide a brief factual description of the concern. Specific examples/observations are particularly helpful.

Comments/Observations of Academic/Administrative/Support Staff:

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

Student's Comments/Observations:

The student should be invited to discuss his/her comments and observations on the concerns and the support plan/follow-up arrangements. This will be minuted at the meeting.

Agreed Action Plan:

This may include details of any supports recommended, as well as agreed outcomes that are desirable, and limits of acceptable interactions and behaviour, where appropriate. This is to be noted at the meeting.

Review Date: *(Insert date that the case will be reviewed, if relevant)*

Important Note: *(If Leave of Absence 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 at a later date. Further detailed advice can be obtained from the Fees Office or Student Support & Development staff at DCU.



Declaration:

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 in study.

I also understand the impact that this/these concern(s) may have upon the public, service users, young and potentially vulnerable individuals, with whom I am working.

I have agreed to work towards the management plan outlined above, which has been developed to support me.

I understand that if I am unable or unwilling to carry out the management plan, the university will need to consider taking appropriate actions, or referral as my situation will require.

I understand and consent to information surrounding my fitness to begin or continue in study being shared with other relevant services within the University. A copy of this Management Plan will therefore be submitted to academic and other staff as deemed appropriate by the Chairperson of my Programme, Head of School, Dean of Faculty and/or the Vice-President, Academic Affairs/Registrar.

I am aware that this Note of Concern will be retained by relevant staff in DCU until I successfully graduate or leave the University.

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 practise.

I agree to this case being reviewed (insert X days/weeks or months' time).

Signed: (Student)

Date:

Signed: (Chairperson of Committee)

Date:

Both the student and the Chairperson should sign the document once both parties are satisfied that the minutes noted in the Note of Concern are an accurate reflection of the discussions.



APPENDIX B: LEVEL 1 RESPONSE - Local Intervention

A level 1 response should be invoked if a student has come to staff's attention and there is concern that a more formal response is required. This level of response involves staff members from the School meeting formally with the student to discuss their support needs.

The panel should include:

- Head of School
- Chairperson of Programme (Chair)
- Personal Tutor / Year Head (if relevant)
- Supervisor (if relevant)
- Student Support Officer from SS&D
- Other relevant individuals in relation to the particular case as agreed by the Chairperson and Head of School

Documentation is held by the Head of School in accordance with GDPR guidelines until such time as the student has graduated from the University.

APPENDIX C: LEVEL 2 RESPONSE - MULTIDISCIPLINARY CASE REVIEW

C1 Purpose

A multi-disciplinary case review meeting shall be convened by the Director of Student Support & Development in consultation with the Head of School once a Level 2 Response is invoked under the Fitness to Continue in Study Policy:

- to consider the concerns noted
- to obtain the views of relevant parties including the student
- to formulate an agreed support and follow up plan
- to support a student who wishes to withdraw voluntarily/take leave of absence on grounds of fitness
- to provide information to allow the Director of Student Support & Development determine if escalation to a Level 3 Response is required

C2 Attendees at/Submissions to the Multidisciplinary Case Review

The decision as to who should attend or submit material to a multidisciplinary case review meeting will be made by the Director of Student Support & Development, in consultation with the Head of School, on a case-by-case basis.

Chair: Director of Student Support & Development or his/her nominee

Attendees drawn from:

- Head of School or his/her nominee (**Attendance Required**)
- 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 unavailable to attend (**Attendance Desirable**)



- The student may be accompanied by a friend/other to provide support (**Attendance Desirable**)
- In circumstances where the student opts not to request a friend/other to attend, the student may opt to request that a student support officer of the University provides advice and attends the meeting to assist and advise them. This officer is to be nominated by the Director of Student Support & Development (**Attendance Desirable**)
- A student with a disability also has the right to be accompanied by a support officer as appropriate to their needs (**Attendance Desirable**)
- Individual(s) who reported the concern, as per the Note of Concern (**Attendance Desirable**)
- Members of DCU staff from other student services. e.g. Student Health Service, Counselling & Personal Development, the Disability Service, Access Service (as relevant) (**Attendance Desirable**)
- Students' Union Welfare Officer (**Attendance Desirable**)
- Others. Occasionally external expertise or advice may be required (**Attendance as needed**)

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.

C3 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 any Notes of Concern which have been raised at Level 1 and 2. The above may be posted to the Student’s last known postal address according to the records of the University and should also be sent by email. 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 Director of Student Support & Development. A formal note of the case review meeting is taken and held by the Director of Student Support & Development. (See Appendix A: Note of Concern) This Note is to be shared with all panel members and a copy should be furnished to the student. The effectiveness of the measures taken are then reviewed at a follow-up multidisciplinary Case Review meeting, the time interval and date to be set by the Director of Student Support & Development. In the event that

- the student is unable or unwilling to commit to an agreed plan, or
- the student is unwilling to allow sharing of the agreed plan with the Head of School, or
- there is a sufficient level of concern at the first multidisciplinary Case Review meeting, or
- the concerns persist/are not remitted sufficiently at a subsequent multidisciplinary Case Review meeting

the Director of Student Support & Development shall invoke a Level 3 Response.



APPENDIX D: LEVEL 3 RESPONSE: FITNESS TO CONTINUE IN STUDY PANEL REVIEW

D1 Purpose

A Level 3 Response shall be invoked by the Director of Student Support & Development in consultation with the Head of School and results in the convening of a Fitness to Continue in Study Panel Review to determine a student's fitness to continue in study.

D2 Membership of a Fitness to Continue in Study Panel

The panel shall be constituted as follows:

- The Vice-President, Academic Affairs/Registrar (Chair)
- The Director of Student Support & Development
- The Head of School
- The SU President or Nominee
- Other relevant individuals in relation to the particular case as agreed by the Vice-President, Academic Affairs/Registrar

D3 Conducting a Fitness to Continue in 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. The above may be posted to the student's last known place of residence according to the records of the University and emailed directly to the student. The convening of and attendance at a Fitness to Continue in 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 in Study Panel Review takes account of the possibility of this stress for all concerned. (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 officer as appropriate to their needs. A Fitness to Study Panel Review can proceed without the student if the student is unwilling or unavailable to attend.

The Fitness to Continue in 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 may 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 in Study Panel is not obliged to accept the recommendations of external experts, and the final decision as to a student's fitness to continue in study is made by the Fitness to Continue in 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 in Study Panel Review are listed in 15 above. A copy of any outcome reached shall be sent to the student as soon as reasonably practicable.

APPENDIX E: TEMPORARY SUSPENSION

Where it appears in the opinion of the Vice-President, Academic Affairs/Registrar that there are grounds for concerns about a student's Fitness to Continue in Study prior to a Fitness to Study Panel Review taking place, then he/she, having sought such advice as he/she deems appropriate, shall be entitled to suspend a student on the following basis:

- E1 That suspension is temporary and necessary to protect the University community and that, on balance, the Vice-President, Academic Affairs/Registrar is of the view that the duty of care owed to others is overriding in the particular circumstances.
- E2 A suspension may be verbal and to take effect as the Vice-President, Academic Affairs/Registrar deems appropriate and shall be confirmed in writing as soon as is practicable.
- E3 That suspension shall not be regarded as an indication as to whether or not the grounds for concern are proven.
- E4 That suspension may be limited to certain premises, placements or University activities or modules of studies.
- E5 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.
- E6 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 in Study policy or for an appeal to have been heard and decided upon.
- E7 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 Vice-President, Academic Affairs/Registrar.
- E8 That this power shall be exercised with caution and with due regard to natural justice and fair procedures.
- E9 Where the Vice-President, Academic Affairs/Registrar exercises the power of suspension, he/she shall, as soon as practicable, notify the Head of School and/or the Director of Student Support & Development and shall call a formal meeting of the Fitness to Continue in Study Panel Review as soon as practicable from the date of the suspension.

APPENDIX F: APPEALS

- F1 A student may appeal the decision of the Vice-President Academic Affairs/Registrar to require the student to take leave of absence from study for an agreed period or terminate their studies, on the following grounds:
- There is new evidence or evidence which was, for a good reason, not presented to the Fitness to Continue in Study Committee which might reasonably have resulted in a different decision
 - That there were procedural irregularities (including administrative error) such as might give rise to reasonable doubt as to whether the Fitness to Continue in Study Committee would have reached the same decision had they not occurred
 - That the findings of the Fitness to Continue in Study Committee do not warrant the resolution that there was a breach of conduct, as charged
 - That the penalty imposed by the Fitness to Continue in Study Committee was unreasonable, having regard to all the circumstances of the case.
- F2 Such appeals must be in writing and lodged with the Chair of the Fitness to Continue in Study Appeals Committee **within 7 working days** from the date of the posting of a decision notification by the Fitness to Continue in Study Review Panel to the student. The appeal must state in sufficient detail the grounds of the appeal.
- F3 Where an Appeal is made in accordance with the above, then the decision which was made by the Fitness to Continue in Study Review Panel at Level 1, 2 or 3 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 or termination of studies where, in the opinion of the Vice-President Academic Affairs/Registrar, that suspension is, on balance, necessary, to protect the student and/or other stakeholders.
- F4 On receipt of an Appeal, the Chair of the Appeals Committee shall, as soon as practicable, send notice of the Appeal to the Appeals Committee and to the Fitness to Continue in Study Review Panel and request the Panel furnish to the Appeals Committee an accurate summary of the evidence and any submission tendered at the Panel review, including Notes of Concern from preceding Level 1, 2 and 3 responses, the findings of the Fitness to Continue in Study Review Panel and the outcomes imposed on the student. The Chairperson of the Fitness to Continue in Study Review Panel, or his or her nominee, shall furnish this to the Appeals Committee so far as is practicable within 10 days of being so requested to do so by the Chair of the Appeals Committee.
- F5 The Appeals 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.
- F6 The Appeals 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 that their request to provide further information has been accepted and such information such be received within 10 days of the notification.
- F7 The Appeals Committee shall have the power, should it see fit, to hold a fresh hearing into the matter.
- F8 The Appeals Committee shall determine the Appeal and make whatever decision it considers appropriate in the circumstances. The Appeals Committee shall have the power to revoke or



amend the decision of the Fitness to Continue in Study Review Panel in full or part. The Appeals Committee may direct the Fitness to Continue in Study Review Panel to reconsider the position further.

- F9 The decision of the Appeals Committee shall be final and binding and shall be reported to the Vice-President, Academic Affairs/Registrar.
- F10 The decision of the Appeals Committee will be communicated to the student no later than 30 days after the original appeal was received by the Deputy President.
- F11 The constitution of the Appeals Committee is set out in Appendix F below.

APPENDIX G: CONSTITUTION OF APPEALS COMMITTEE

- G1 Any appeals arising from a decision of a Fitness to Continue to Study Review Panel shall be submitted to the Deputy President and s/he will appoint an Appeals Committee.
- G2 The Appeals Committee shall comprise of 3 members of staff – at least two of whom will be chosen from Academic Council.
- G3 The Appeals Committee shall hold office for a period of 3 years.
- G4 No member of the Fitness to Continue in Study Review Panel shall be a member of the Fitness to Continue in Study Appeals Committee.

APPENDIX H: RETURN TO STUDY PROCEDURES

H1 Return to Study Procedures

No less than 2 months prior to the end of an agreed period of suspension, the student should contact the Head of the relevant School to discuss their return to study. The School shall discuss with the student any conditions which apply to the return, and refer to appropriate support services, if required.

The Director of Student Support & Development and/or the Head of School 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 in Study Panel Review, are required to attend a multidisciplinary Case Review meeting no later than 4 weeks following their re-registration on return to study. This multidisciplinary Case Review meeting shall be convened by the Head of School as described under Level 2 Response (Appendix B).

Students who voluntarily withdrew/took leave of absence on grounds of fitness at a Level 2 Response shall be encouraged to attend a face-to-face meeting with the Director of Student Support & Development or his/her delegate to consider any on-going concerns, and on-going support needs.

All files will be kept in a confidential safe in the Student Health Centre in Student Support & Development.



DCU Fitness to Continue in Study Appeals Form

Submission of an appeal against a decision of the Fitness to Continue in Study Review Panel

Before completing this form, please read the Fitness to Continue in Study Policy in detail.

Please submit the completed form to the Deputy President of DCU, Albert College, DCU Glasnevin campus or by email to mary.colgan@dcu.ie as an attachment to an e-mail, within the timeframe specified in the Fitness to Continue in Study policy.

Section A – Details of the Appellant

First name:

Surname:

Telephone number:

E-mail:

Home address:

Study address:

(Please indicate address(es) as appropriate)

Programme and Year of Study:

Student ID number:

Section B – Details of the decision being Appealed

Date of the hearing of the Fitness to Continue in Study Review Panel:

Decision of the Fitness to Continue in Study Review Panel (i.e. the decision that is being appealed):

Section C – Grounds for Appeal

(tick the relevant box(es))

- That there is new evidence or evidence which was, for good cause, not presented to the Fitness to Continue in Study Review Panel which might reasonably have resulted in a different decision
[]
- That there were procedural irregularities (including administrative error) such as might give rise to reasonable doubt as to whether the Fitness to Continue in Study Review Panel would have reached the same decision had they not occurred []
- That the findings of the Fitness to Continue in Study Review Panel do not warrant the resolution that there was a breach of practise as charged []



- That the penalty imposed by the Fitness to Continue in Study Review Panel was unreasonable having regard to all the circumstances of the case []

Section D – Evidence for submission to the Fitness to Continue in Study Review Panel (i.e. evidence not formerly presented to the panel)

Is evidence being submitted? Yes [] No []

If yes, describe the evidence.

If yes, specify why the evidence was not made available to the Fitness to Continue in Study Review Panel.
If yes, provide the evidence. If it is in electronic form, please e-mail it along with this form. If it is not in electronic form, please submit it to the Deputy President of DCU, Albert College, DCU Glasnevin Campus. If relevant, the names and contact telephone number of any witnesses who can, and are willing to, corroborate the evidence should be indicated.

Section E – Statement to Support Appeal

Provide a concise statement to support the appeal.

Signature of appellant¹

.....

Date on which Appeal submitted: _____

¹ Electronic, if possible. If not possible, the form should be submitted in hard copy, with a signature, as well as electronically.