

## **ORDINANCE 16**

### **FITNESS TO STUDY**

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1. Occasionally, a student may suffer from a condition which could endanger him or herself or other members of the University. The two most common instances of this would be a student with either mental health difficulties or a contagious disease.
2. Where a student's condition has the potential to endanger him or herself or other members of the University, that student may be deemed not to be fit to study. The University of London wishes to ensure as safe an environment as possible for all of its students and so it may be necessary to take action to prevent harm which may be caused by a student who is not fit to study.

#### **PURPOSE OF THIS ORDINANCE**

3. The purpose of this Ordinance is to set out the procedure which the University will follow when concerns are raised about the fitness to study of one of its students.
4. Actions taken under this Ordinance are not of a disciplinary nature. If action is taken about a student who is not fit to study, it will be limited to that which is necessary to protect as far as possible the interests of members of the University and the student in question.
5. This Ordinance applies to students registered with the University.

#### **SUPPORT FOR STUDENTS**

6. When invoking this Ordinance, the University will offer support to the student in question. The level and form of support will vary according to the circumstances of the student.

#### **DELEGATION**

7. The Board of Trustees, in making this Ordinance:
  - 7.1 authorises the Vice-Chancellor to delegate his or her powers and duties under this Ordinance to the Deputy Vice-Chancellor either generally or in respect of a particular case; and
  - 7.2 authorises the Director of Compliance and Secretary to the Board to delegate his or her powers and duties under this Ordinance to the Chief Executive of the appropriate Central Academic Body either generally or in respect of a particular case.

#### **REPORTING**

8. If any member of the University has concerns about the fitness to study of a student of the University, this should be reported as soon as possible. This report should be made to the Director of Compliance and Secretary to the Board. If this is not possible, a report should be made to a member of the academic staff of the University, who will in turn inform the Director of Compliance and Secretary to the Board.

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### **ACTION BY THE DIRECTOR OF COMPLIANCE AND SECRETARY TO THE BOARD**

9. The Director of Compliance and Secretary to the Board shall investigate the matter and, subject to paragraphs 15-21, take such action as is necessary to protect as far as possible the interests of members of the University and the student in question.
10. The Director of Compliance and Secretary to the Board may ask the student for further information, for an interview or to submit a medical report. If the student in question refuses to co-operate with the Director of Compliance and Secretary to the Board then the Director of Compliance and Secretary to the Board shall make a decision based upon the information available.
11. The student in question may submit evidence to the Director of Compliance and Secretary to the Board.
12. Possible actions by the Director of Compliance and Secretary to the Board include, but are not limited to: alteration of the terms on which the student is admitted to the University, suspension of registration of the student (as defined in the Code of Student Discipline) or changes to accommodation provided by the University to the student.

### **RETURN TO STUDY**

13. The Director of Compliance and Secretary to the Board shall review a decision to suspend the registration of the student when relevant new information arises and at least once every month.
14. The Director of Compliance and Secretary to the Board shall decide when the student is fit to return to study or have any actions taken under paragraph 12 amended. The Director of Compliance and Secretary to the Board may attach conditions to this, such as a requirement to prove fitness to study or to agree to a programme to allow the student to return to study.

### **TERMINATION OF REGISTRATION**

15. If the Director of Compliance and Secretary to the Board is of the opinion that the only possible solution is termination of registration of the student (as defined in the Code of Student Discipline), the Director of Compliance and Secretary to the Board shall refer the matter to a Fitness to Study Committee.
16. The Fitness to Study Committee shall be chaired by one member of the Board of Trustees, who shall appoint one senior member of academic staff of the University and a student to be members of the Fitness to Study Committee. The Chair of the Fitness to Study Committee shall appoint a Secretary to the Committee.
17. The Fitness to Study Committee shall meet as soon as is reasonably practicable to consider an allegation referred to it. At least 10 working days before the date for the hearing, the Secretary shall send the student a copy of this Ordinance, together with copies of all relevant documents to be presented at the hearing. At least 3 working days before the date of the hearing the student shall inform the Secretary of any documents that the student intends to rely on at the hearing, and shall provide copies of them to the Secretary at least 3 working days before the hearing. The Chair has discretion to allow the student additional time in which to produce documents, but there shall be no appeal from a refusal to allow additional time. The Director of Compliance and Secretary to the Board and the student shall inform each other of

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the names of any witnesses either proposes to call at least 3 working days before the hearing.

18. The hearing shall be held in private. During the hearing:
  - 18.1 the student may be assisted or represented by any member of the University;
  - 18.2 the reasons for the University's proposal to terminate the student's registration shall be presented to the Fitness to Study Committee by the Director of Compliance and Secretary to the Board or such other person as he/she may designate;
  - 18.3 the Director of Compliance and Secretary to the Board may call as witnesses persons who can give relevant evidence. The student or the student's representative may question the witnesses and, if so, the Director of Compliance and Secretary to the Board may ask further questions;
  - 18.4 the student or the student's representative may call as witnesses persons who can give relevant evidence. The Director of Compliance and Secretary to the Board may question the witnesses, and if so, the student or the student's representative may ask further questions;
  - 18.5 if a witness is likely to be in distress, the Fitness to Study Committee may permit the witness to be accompanied by any person, but that person shall not participate in the proceedings in any way;
  - 18.6 the Director of Compliance and Secretary to the Board may question the student, the student and the student's representative may question the Director of Compliance and Secretary to the Board;
  - 18.7 the student or the student's representative may address the Fitness to Study Committee; and
  - 18.8 the Secretary shall record the decision of the Fitness to Study Committee.
19. After the hearing, the Fitness to Study Committee shall give its decision to the student and to the Director of Compliance and Secretary to the Board either orally (in which case it shall be confirmed in writing), or in writing within 5 working days. The written communication to the student shall set out the matter under consideration, the decision and the reasons for the decision.
20. If the Fitness to Study Committee finds that termination of registration is the only appropriate solution, the student's registration shall be terminated and any fees paid for that academic year shall be returned.
21. If the Fitness to Study Committee finds that termination of registration is not appropriate, the matter shall be referred back to the Director of Compliance and Secretary to the Board to decide upon another appropriate solution.

### **APPEALS AGAINST TERMINATION OF REGISTRATION**

22. A student against whom a decision to terminate registration has been upheld may appeal in writing, addressed to the Vice-Chancellor, within 7 working days of the date of the written notification of the decision.

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23. The hearing shall be held in private. It shall be limited to the grounds stated in the student's letter of appeal and shall not take the form of a re-hearing of the original allegation. During the hearing:
- 23.1 the student may be assisted or represented by any member of the University;
  - 23.2 the Vice-Chancellor shall have before him/her copies of all papers which were before the Director of Compliance and Secretary to the Board and the Fitness to Study Committee;
  - 23.3 neither party shall be entitled to submit fresh evidence except to establish matters of fact. Where such new evidence has become available since the hearing before the Director of Compliance and Secretary to the Board or the Fitness to Study Committee, the Vice-Chancellor may receive such evidence if s/he is satisfied that there is reasonable explanation for the failure to advance such evidence before the Director of Compliance and Secretary to the Board or the Fitness to Study Committee. If such new evidence is admitted, it shall be treated in the same procedural manner as evidence presented to the Director of Compliance and Secretary to the Board or the Fitness to Study Committee and the Vice-Chancellor may call witnesses in relation to that new evidence. The Vice-Chancellor may also call the Director of Compliance and Secretary to the Board or the Chair of the Fitness to Study Committee as a witness. The University representative and the student's representative presenting the case to the Vice-Chancellor shall be notified in advance of the hearing of any new evidence and witnesses to be called;
  - 23.4 where additional evidence is allowed, and there are circumstances in which a witness is likely to be in distress, the Vice-Chancellor may permit the witness to be accompanied by any person, who shall not participate in the proceedings in any way;
  - 23.5 the student or the student's representative may address the Vice-Chancellor; and
  - 23.6 the Secretary to the hearing shall record the decision of the Vice-Chancellor.
24. If the Vice-Chancellor allows the appeal, the matter shall be referred to the Director of Compliance and Secretary to the Board for consideration of another remedy.
25. If the Vice-Chancellor finds that termination of registration is the only appropriate remedy, the student's registration shall be terminated and any fees paid for that academic year shall be returned.

### **THE OFFICE OF THE INDEPENDENT ADJUDICATOR FOR HIGHER EDUCATION**

26. The Procedure detailed above completes the University's consideration of the matter. Attention is, however, drawn to the Office of the Independent Adjudicator for Higher Education (OIAHE). The OIAHE provides an independent scheme for the review of student complaints about a final decision of a University's disciplinary or appeal body. Full details of the OIAHE and how to make a complaint are available from the Director of Compliance and Secretary to the Board, or on the website of the OIAHE <http://oiahe.org.uk>. The postal address is: Office of the Independent Adjudicator for Higher Education, Second Floor, Abbey Gate, 57-75 Kings Road, Reading, RG1 3AB. Telephone: 01189 599813.