

ANNEX A

(a) By replacing the Procedure to Determine Fitness to Study (*Statutes and Ordinances*, p. 243) with the following:

PROCEDURE TO SUPPORT AND ASSESS CAPABILITY TO STUDY

1. Glossary of key terms

1.1. In this procedure, the following terms shall have the meanings set out below:

Collegiate University community	All registered or formerly registered students, other matriculated persons, all members of the Regent House, and all University and College employees, workers, staff or secondees, visiting scholars and visiting students
Committee	The Study Capability Assessment Committee (see Regulation 6).
Decision-maker(s)	Those who have authority to make decisions concerning capability to study under this procedure (see Regulations 5 and 6)
Department	The University institution at which the student is studying. References to the Head of Department or Departmental staff refer to the Head and the staff of that institution, who may be the Chair of the Faculty Board and the staff of that Faculty
DRC	Disability Resource Centre
OSCCA	Office of Student Conduct, Complaints and Appeals
Rules of Behaviour student	Rules of Behaviour for Registered Students and Formerly Registered Students ¹ Registered student as defined in Statute A X 2(c) ²

¹ See [p. 191].

² See [p. 12].

2. Scope and principles

Introduction

2.1. This procedure sets out the steps that will be taken by the University when there is concern that a student's behaviour or health is adversely impacting upon the welfare or academic progress of the student, or of others within the Collegiate University community, or has the potential to do so.

2.2. Where an alleged breach of the Rules of Behaviour is likely to have been caused by an underlying health condition, this procedure should be initiated.

2.3. All students should be encouraged to engage fully with their studies. Students should be informed about how to access relevant academic skills support, pastoral support and, for students with disabilities, how to ask for reasonable adjustments that will be offered and put in place unless declined by the student.

2.4. Where concerns regarding the student's behaviour or health remain after the actions in Regulation 2.2 have been taken, this procedure should be initiated.

Stages

2.5. The procedure has two stages:

Stage 1 – support to study (see Regulation 5)

Stage 2 – assessing a student's capability to study (see Regulation 6)

Students will have the opportunity to ask for a review of a stage 2 decision using the Procedure for Review of Decisions of University Bodies.³ The decision on the completion of that review will be the final stage of the University's internal procedure and therefore a Completion of Procedures letter will be issued. The Completion of Procedures letter will explain to the student how to raise a complaint with the external ombudsman, the Office of the Independent Adjudicator, if the student remains dissatisfied with the University's action or inaction.

Engagement with the procedure

2.6. A student must engage fully with this procedure, including responding to emails, adhering to deadlines and attending meetings either physically or virtually. If a student does not engage fully with the procedure, this is likely to lead to escalation within the procedure and for the decision-makers to assess that the risk to the student or the Collegiate University community is high, resulting in precautionary action under Special Ordinance D (v).

2.7. Some students may find engaging with the procedure worrying or challenging, particularly stage 2, as it may include consideration of whether the student is currently capable to continue studying. The student will receive information on how to access support during the procedure. The appropriate support will depend upon the student's circumstances but may be delivered by a College, the University, the Students' Union's Advice Service or external support organisations. Decision-makers will take into account the potential effects upon the student made known to them in reaching their decisions.

2.8. Reasonable adjustments shall be made to the procedure to allow fair access for students with a disability requiring them. Students are requested to inform their Department of any requests for reasonable adjustments when accessing Regulation 5 of the procedure, or the Head of OSCCA when accessing Regulation 6 of the procedure, where these have not already been anticipated and put in place.

2.9. The student and all others involved in the procedure are always required to communicate and act respectfully and reasonably whilst using the procedure. Abusive behaviour will not be tolerated. If, following a warning, someone continues to behave in an unacceptable manner, that person may be subject to separate disciplinary action. Where the student is continuing to behave in an unacceptable manner, this behaviour may lead a decision-maker to consider that the risk the student poses to the Collegiate University community or themselves is high and refer the concern to the Academic Secretary to consider precautionary action under Special Ordinance D (v).

Representation

2.10. In order to ensure that a student's views are accurately represented during the procedure, it is preferable for the University to correspond directly with the student. Where this is not in the best interests of the student, for example because the student lacks capacity or requires support to receive correspondence as a result of an underlying health condition, correspondence can be directed through an authorised representative where explicit permission is given by the student.

³ See [p. 219].

2.11. This procedure is an internal process and does not have the same degree of formality as proceedings in a court of law. It is not normally necessary for a student to be legally represented at any meetings that form part of the procedure, other than in exceptional circumstances.

Decision-making

2.12. Any action taken under this procedure will be limited to that necessary and proportionate to protect the best interests of the student, and other members of the Collegiate University community.

2.13. The standard of proof when making decisions under this procedure is the balance of probabilities. The burden of proof that some form of action is required to be taken in relation to the student's studies rests with the University. This means that it is necessary to prove that it is more likely than not that behaviour occurred which requires action to be taken. Decisions must be supported by evidence, and will take into account the credibility of evidence.

2.14. All decision-makers will receive appropriate training to undertake their role and be appropriately resourced and supported. Decision-makers in stage 2 will not have had any previous involvement with the matter or any personal knowledge of the student.

2.15. A student may choose to intermit at any time during this procedure. The decision-maker will normally accept any request for intermission provided criteria for intermission are met.

2.16. This procedure can be suspended at any time by a decision-maker to enable a student to intermit from study or for a criminal investigation or proceedings to be completed. When a student intends to return to study after intermission or when the criminal proceedings have been completed or a decision has been taken not to take further action through the courts, the decision-maker may request additional medical evidence or resume this procedure in order to ensure the student is fit to resume study.

2.17. Any reference in this procedure to a University officer or other named role-holder includes a deputy appointed by that officer or role-holder to exercise the functions assigned to that officer or role-holder under this procedure.

3. Circumstances under which this procedure may be implemented

3.1. A student's capability to study may be brought into question as a result of a wide range of circumstances. These include, but are not restricted to, the following:

- (a) Students who have individual learning plans in place and are struggling to manage their studies or other elements of their course;
- (b) Students who are not attending, submitting work and/or repeatedly not responding to emails;
- (c) Students with complex personal circumstances (for example, health, family or financial issues);
- (d) Students who regularly submit applications for examination allowances as a result of ongoing health concerns;
- (e) Students whose health, wellbeing or behaviour is causing concern to others, although there may be no negative impact on their academic work and progression;
- (f) Students whose behaviour is impacting upon the health and safety of others.

4. Raising a concern

4.1. The following individuals and bodies may initiate this procedure:

- (a) the student's Head of Department;⁴
- (b) the student's Senior Tutor;
- (c) the University Advocate or Student Discipline Officer; *or*
- (d) the General Board.⁵

Where the student's Head of Department initiates the procedure and considers that support to study under stage 1 of this procedure is appropriate, the Head of Department shall manage that process and report on any actions taken to the Head of OSSCA, and Regulations 4.2–4.8 shall not apply.

In all other cases, the person or body will initiate the procedure by making a written referral to the Head of OSSCA setting out the grounds for concern and all relevant evidence about the student's capability to study.

⁴ In the case of students on inter-departmental courses, referral may be by the Head of any of the Departments teaching the student.

⁵ Or bodies acting under powers delegated by the General Board, including the Examination and Assessment Committee and the Postgraduate Committee.

4.2. The Head of OSCCA, following consultation with the student's Head of Department and, where applicable, the student's Senior Tutor, will consider the grounds contained in the referral and shall determine whether to refer the concern:

- (a) to stage 1 of this procedure;
- (b) to stage 2 of this procedure;
- (c) to an alternative procedure where appropriate, for example, an equivalent College procedure, the Student Disciplinary Procedure or one of the University's Fitness to Practise Procedures.

4.3. The Head of OSCCA may in addition refer the concern to the Academic Secretary to consider precautionary action under Special Ordinance D (v) where there are reasonable grounds to consider the student is a risk to themselves, or to the Collegiate University community, and there is a need for immediate action to be taken.

4.4. The Head of OSCCA when making a decision under Regulation 4.2 shall take into account whether the concern is likely to be resolved with additional supportive actions from the Department. Where stage 1 does not appear likely to resolve the concern, or actions equivalent to stage 1 have already been attempted without success, it will be referred to stage 2.

4.5. Where a student is also a member of a College, the College may also have a procedure to support or assess the student's capability to study. There are a number of factors that can determine which procedure is most suitable to use, including whether:

- (a) the behaviour that has prompted the concern is occurring primarily within a College or University setting;
- (b) the College has a procedure sufficient to consider the concern;
- (c) the student's relationship with the College or the University has broken down.

4.6. In some circumstances it may be appropriate for the College to take forward the equivalent of stage 1 of this procedure. Where the concern is not resolved by this action, the College may decide to refer any consideration equivalent to stage 2 into the University procedure by making a written referral under paragraph 4.1.

4.7. The decision regarding which procedure to use will be made jointly by the student's Senior Tutor and the Head of OSCCA.

4.8. The Head of OSCCA shall write to the student within 7 days of the decision being made under Regulation 4.2, outlining the concern and informing the student of the decision and the reasons for the decision.

5. Stage 1 – support to study

5.1. The Head of Department will nominate a member of Departmental staff to undertake the actions under stage 1.

5.2. The student will be required to attend a Support to Study meeting with the nominated Departmental staff member to understand why staff have concerns regarding the student's behaviour and to discuss what supportive actions can be taken to help address the behaviour.

5.3. The student will normally be given at least 7 days' notice of the meeting taking place. The student will be informed of the purpose of the meeting including a summary of the behaviour which has led to the meeting taking place and will be able to bring an appropriate supporter and a College Tutor to the meeting. Where the student has a DRC advisor, this person may also attend to provide expert information in relation to any adjustments or other support options that may be discussed.

5.4. During the meeting, the Departmental staff member will outline the behaviour that led to the meeting taking place and the student will be given an opportunity to provide a response or explanation for the behaviour. Where a student disagrees that the behaviour has taken place then this should be noted, with the student still having the opportunity to agree to engaging with supportive actions.

5.5. Supportive actions can be any actions that may assist students in continuing with their courses. Supportive actions must be agreed between the Departmental staff member and the student. Some examples of these actions may include:

- (a) additional meetings with College or University staff to discuss behaviour expectations or academic work;
- (b) additional study skills or language sessions;
- (c) mentoring, which can either be specific mentoring to support a student in managing their studies with a disability or more general mentoring (mentoring should only be carried out by staff, not peers);
- (d) interim milestones or deadlines for academic work to ensure that formal deadlines will be met;
- (e) the student engaging with the DRC, or with counselling or other medical or health professionals, including agreeing to undertake further assessments;
- (f) a review of reasonable adjustments in place;
- (g) the student not contacting or communicating with named staff or students, or to only communicate or contact named staff or students as explicitly defined by the action;
- (h) using named University facilities or buildings as explicitly defined, for example, not using particular spaces out of hours or without supervision.

5.6. Any actions that will require the input of staff or a service outside of the Department must be agreed with the relevant staff or service before the supportive action is finalised.

5.7. Within 7 days of the meeting taking place, the student will receive from the Departmental staff member a summary of the content of the meeting and a list of the agreed supportive actions, and a date of review to check that the agreed actions have improved matters. The student will be required to confirm agreement to the supportive actions within 7 days of receiving the written copy.

5.8. Where a student does not agree to any supportive actions being put in place; or where the student has failed to comply with the actions; or where following the review date the actions have not had the desired impact, the Head of Department may refer the matter to the Head of OSCCA for possible consideration under stage 2 of the procedure.

6. Stage 2 – assessing capability to study

6.1. Where a concern is referred to stage 2 of this procedure, a Study Capability Assessment Committee will be appointed by the Head of OSCCA within 21 days of the referral from standing panels appointed annually by the Council. The Head of OSCCA will be Secretary to the Committee.

6.2. A Study Capability Assessment Committee shall comprise:

- (a) a member of the Regent House who shall act as Chair;
- (b) a Senior Tutor from a College other than that of the student concerned; *and*
- (c) a medically qualified person.

6.3. The Chair will set a date for a formal meeting of the Committee to hear the case, which date may be changed by the Chair if the circumstances require it.

6.4. The Secretary of the Committee shall give the student at least 14 days' notice of the date of the meeting of the Committee. The student will also be informed of the time, venue, and purpose of the meeting, and will be provided with any documents, including a summary of the concerns to be considered at the meeting. The student will be invited to provide any documentation which the student wishes the Committee to consider in advance of the meeting. The Secretary of the Committee will ensure that all parties have access to the same documents.

6.5. If the student is unable to attend the meeting, or declines to do so, the Committee may agree to proceed in the student's absence.

6.6. The student may be supported and/or represented (including in her or his absence) at the meeting by a supporter or representative of the student's choice. A support worker may also accompany a disabled student. The student should notify the Secretary of the Committee at least 7 days in advance of the meeting if the student intends to attend the meeting and if the student will be accompanied and/or represented, and, if so, by whom. Where a student and a representative attend the meeting the student may still be required to answer questions at the Chair's discretion.

6.7. The purpose of the meeting will be to consider the information available and to reach an appropriate decision, action plan, or other outcome. The student's Senior Tutor and Head of Department will be requested to provide relevant written evidence to the Committee, and may be requested to attend at the Chair's discretion. The Committee may request other specialist or relevant opinion, including medical reports or reports from other specialist advisers, and may also request to see documents and records resulting from consideration of the student's case by the student's College under its procedures or any other evidence considered necessary and proportionate. The Committee may ask the student to attend a consultation with an expert but the Committee may proceed to consider the student's capability to study notwithstanding a refusal or failure by the student to attend a consultation as requested. Subject to the express provisions of this procedure, the Chair shall otherwise acting reasonably regulate the arrangements for the provision of documentation and other evidence (including adjourning the meeting where necessary so that additional information can be sought), as well as the conduct of the meeting.

6.8. The Committee shall make such decisions by a simple majority in respect of a student's capability to study as it considers necessary and proportionate. These decisions may include, but are not limited to, one or more of the following:

- (a) to agree that no further action be taken by the University;
- (b) to agree a plan of action(s) with the student;
- (c) to make the student's access to University facilities and premises subject to specified conditions;
- (d) to make such recommendations, including to the student's College, and/or direct such actions, in respect of the student, as the Committee considers fit;
- (e) in the case of a medical or veterinary student, to refer the case for consideration under the University's Fitness to Practise procedures;
- (f) to refer the case for consideration under the University's disciplinary procedures;
- (g) to suspend the studies of the student temporarily and to determine the minimum period after which the University will consider an application to resume study, and what conditions, if any, must be met before an application to resume study may be made;
- (h) to withdraw the right of a student to continue to study on a given course, or on any course, offered by the University;
- (i) to [remove the student's University membership and]⁶ exclude the student permanently from the University.

6.9. For the purposes of candidature for an examination or competition, any terms during which a student's studies are temporarily suspended by the Committee will be disregarded.

6.10. Where the Committee decides that a student's access to University facilities and premises shall be subject to specified conditions, the Committee shall stipulate arrangements for monitoring the student's compliance with those conditions and for dealing with any alleged breach of those conditions on the part of the student.

6.11. The student, the relevant Senior Tutor, and the relevant Head of Department shall be notified in writing of the decision of the Committee, with reasons, within 7 days of the meeting of the Committee. The letter shall also include the procedure to be followed where the student wishes to review the Committee's decision.

6.12. Where the student asks for review of the Committee's decision using the Procedure for Review of Decisions of University Bodies, the decision will continue to be implemented until such time, if any, that the review results in an alternative decision.

7. Return to study

7.1. A student whose studies have been temporarily suspended under this procedure may make an application addressed to the Registry for permission to resume study after such period and subject to meeting such conditions as may have been determined under Regulation 6.8(b) above. Where the Registry considers that the application appears to meet the conditions to return to study, it will be considered at the discretion of the Registry either by the same Committee that made the decision temporarily to suspend the student or by a differently constituted Committee appointed in accordance with Regulation 6.2 above. The application shall be heard at a meeting of the Committee managed in accordance with Regulations 6.3–6.8,

⁶ The text in square brackets is subject to the approval of the changes to Statute B I 2.

save that, if, having reviewed the student's application and any documentation submitted with it, the Committee agrees that the student may be permitted to resume study either unconditionally or subject to specified conditions to which the student consents in writing, the Committee may proceed without a meeting.

7.2. The Committee shall make such decisions by a simple majority in respect of a student's capability to return to study as it considers necessary and proportionate. These decisions may include, but are not limited to, one or more of the following:

- (a) to permit the student to resume study, subject (if the Committee considers it appropriate) to specified conditions, including in the case of a disabled student defining reasonable adjustments, as appropriate, to support the student's studies and examination;
- (b) to make such recommendations in respect of the student, including to the student's College, as the Committee considers fit;
- (c) in the case of a medical or veterinary student, to refer the case for consideration under the University's Fitness to Practise procedures;
- (d) to refuse the application to resume study and to determine the minimum period after which the University will consider a further application to resume study, and what conditions, if any, must be met before such an application to resume study may be made;
- (e) to withdraw the right of a student to continue to study on a given course, or on any course, offered by the University;
- (f) to [remove the student's University membership and]⁷ exclude the student permanently from the University.

7.3. It may not always be possible for a student to return to exactly the same course following a long period of suspension, as the course may have been discontinued or significantly modified. It may also be necessary for a student to return to the course at a point prior to which they left, if this is necessary for academic reasons or to enable support mechanisms to be set up.

7.4. Where a Committee has allowed a student to resume her or his studies, the Committee may, at the request of the student, allow a term of residence, put the student in standing for the purposes of examination, or agree such other academic arrangement as the Committee may think fit.

7.5. Where a Committee decides that a student's resumption of studies shall be subject to specified conditions, the Committee shall stipulate arrangements for monitoring the student's compliance with those conditions and for dealing with any alleged breach of those conditions on the part of the student.

7.6. The Secretary of the Committee will communicate in writing, within 7 days of the decision being made, the decision and reasons for the decision to the student, the Head of Department, and the Senior Tutor. The Secretary will also confirm the process for reviewing the Committee's decision.

7.7. Where the student requests a review of the Committee's decision using the Procedure for the Review of Decisions of University Bodies, the decision will continue to be implemented until such time, if any, that the review results in an alternative decision.

8. Reporting and Monitoring

8.1. OSCCA shall monitor all concerns reported using this procedure and shall produce an annual report summarising the anonymised decisions made by the Head of OSCCA and the Study Capability Assessment Committee. The annual report shall be submitted to the General Board through its Education Committee and to the Council.

8.2. The purpose of this monitoring shall be to ensure that decisions are made consistently and at the appropriate level, that appropriate action is taken on issues identified and that information gathered is used to improve guidance and support for students and staff using the procedure.

(b) By replacing the references to the Procedure to Determine Fitness to Study with references to the Procedure to Support and Assess Capability to Study and references to the 'Fitness to Study Panel' with a reference to the 'Study Capability Assessment Committee' in the following:

Allowances to Candidates for Examinations (*Statutes and Ordinances*, p. 247), Regulation 1(c);

General Regulations for Admission as a Graduate Student (*Statutes and Ordinances*, p. 448), Regulation 5(h).

⁷ The text in square brackets is subject to the approval of the changes to Statute B I 2.

ANNEX B

Changes that will be made by the General Board and the Council if Recommendation II of this Report is approved.

(a) By replacing the references to the 'Procedure to Determine Fitness to Study' with references to the 'Procedure to Support and Assess Capability to Study' and to 'fitness to study' with 'capability to study' in the following:

Student Disciplinary Procedure (*Statutes and Ordinances*, p. 193), Paragraph 2.16;

Student Complaint Procedure (*Statutes and Ordinances*, p. 212), Paragraph 2.3(d);

Leave for Allowances to Candidates for Examinations: Notice (reproduced in *Statutes and Ordinances*, p. 248), Paragraphs (iv)(a) and (x).