



Regulation 10 – Fitness to Study

A. Introduction

1. In this regulation “you” and “your” means a student registered for a programme taught by City, University of London. “We”, “us” and “our” means the University or any of its staff, depending on context.
2. This regulation says what we will do when we are concerned that your behaviour or actions suggests that you are not well enough to study successfully. It covers your mental health as well as your physical health. It provides a process which enables us to make good and balanced judgements; to support your wellbeing and your studies; and to manage any impact of your health may at times have on other students and their opportunities to learn.
3. The Fitness to Study Guidance sets out more detail of
 - a. what we mean by fitness to study;
 - b. how we will manage the various stages of the process; and
 - c. how you can access support.
4. This regulation sets out the key steps and forms part of our terms and conditions.
5. Where this regulation refers to meetings, they may be held face-to-face or virtually.

B. Overview

6. If we have a concern – perhaps prompted by your behaviour or actions – that you are not well enough to study, we will take the following steps:
7. Initially, we will put in place a Student Support Review.
 - a. This is a meeting with relevant staff members and allows us to talk with you about the concerns raised, learn more about your current health and/or circumstances and think together about any support that may be available to you and your options in relation to your studies. You may be accompanied by one other person of your choice. This would not normally be a legal representative.

- b. The Student Support Review might result in one or more of the following:
 - i. no further action; or
 - ii. adjustments to the nature and type of support you can access;
or
 - iii. a monitoring process; or
 - iv. an interruption of studies, if you so choose, until you are well enough to re-join the programme; or
 - v. a referral to Occupational Health and/or a City Support Service;
or
 - vi. A decision to refer you to a Fitness to Study Panel
 - c. An agreed Action Plan be written up to enable co-ordination of the various outcomes. This will be monitored and reviewed.
8. A second level of action is a Fitness to Study Panel.
- a. This is a formal panel, at which you will be able to attend and speak, and you may be accompanied by one other person of your choice. Normally the person accompanying you would not be a legal representative. Under very exceptional circumstances, the University may allow a solicitor or barrister to attend in their role as a legal professional. Such exceptions will be considered on a case-by-case basis by the Director of Student & Academic Services (or nominee), using the following criteria:
 - The seriousness of the case
 - Complexities in the evidence likely to be presented
 - The capacity of the individual to understand the case against them
 - Likely procedural challenges
 - The need for fairness in the cross-examination
 - b. The Fitness to Study Panel is convened only for more serious concerns. It will consider whether it is possible to provide you with the support needed to enable you to continue; if it is not possible, it also decides whether you can continue your studies.

- c. The Fitness to Study Panel might result in one or more of the following outcomes:
 - i. no further action; or
 - ii. adjustments to the nature and type of support you can access; or
 - iii. a monitoring process; or
 - iv. endorsing your choice to interrupt your studies; or
 - v. a referral to Occupational Health and/or a City Support Service, prior to further consideration under this procedure; or
 - vi. a temporary suspension of your registration, until you are well enough to re-join the programme; or
 - vii. exclusion from a specific aspect of your studies or extra-curricular activities; or
 - viii. the permanent withdrawal of your registration at the University; or
 - ix. a referral of your case for consideration under the Student Disciplinary regulations.
- d. The Fitness to Study Panel will take into consideration the, implications of any decision on your future studies (for example, the impact on your visa, if you need one).
- e. In cases of serious concern, including where we have taken temporary precautionary measures (see paragraph 10 below) we may immediately proceed to a Fitness to Study Panel, skipping the Student Support Review level.

9. There is an Appeal stage after the Fitness to Study Panel.

- a. You may appeal against the decision of a Fitness to Study Panel on the one or more of the following grounds:
 - i. that there was a material error in the proceedings associated with the Panel's decision, which affected that decision;
 - ii. that new information has become available, which is material to the Panel's decision, and which could not have been made known to the Panel for a demonstrated, valid and over-riding reason.
 - iii. that the decision was not one which the Panel could have reasonably reached on the basis of the evidence presented.

- b. An appeal is not a re-run of the Fitness to Study Panel. Your being unhappy with the decision of the Fitness to Study Panel is not, in itself, a ground for an appeal.
- c. If you wish to appeal you must send to us your reasons for appeal, in writing, together with any supporting evidence, within 21 calendar days of our written notification to you of the decision of the Fitness to Study panel.
- d. Your appeal will be scrutinised by two members of staff not previously involved, to check that your appeal clearly sets out the basis for appeal and includes sufficient evidence.
- e. If your appeal passes this test an Appeal panel will consider your appeal. You will be invited to attend and speak at the Appeal Panel meeting, and you may be accompanied.
- f. The Appeal Panel may:
 - i. Reject your appeal, in which case the decisions of the Fitness to Study Panel will stand
 - ii. Refer the matter to a fresh Fitness to Study Panel, which will reconsider the case in line with the normal procedure.

C. Temporary Precautionary Measures

- 10. If we have good cause to believe that your actions:
 - a. Represent an immediate and significant threat to your safety or those of others if you continue to engage with your studies or other related activity with us; and
 - b. Relate to your fitness to study

Then we may take temporary precautionary measures.

- 11. The temporary measures we may take include, but are not limited to; imposing certain conditions, partial or full exclusion from activities or spaces, temporary full or partial suspension. These measures will be kept under regular review. If we take temporary precautionary measures in this way, it does not constitute a sanction or penalty. We will write to you setting out the reasons why we have taken these steps. If your behaviour relates to potential or confirmed criminal activity, we will manage your suspension or exclusion under our Disciplinary Regulations in the first instance.
- 12. Student Support Services will conduct a risk assessment if temporary measures include temporary full or partial suspension. The President (or nominee) must give approval before we can implement a recommendation for full or partial suspension.

13. If we suspend or exclude you for reasons relating to your fitness to study as a temporary precautionary measure, we will immediately refer your case for consideration by a Fitness to Study Panel, in line with paragraph 8 above.
14. If we suspend or exclude you for reasons relating to your fitness to study as a temporary precautionary measure and you are sponsored student, your visa status may be affected.
15. If we suspend or exclude you for reasons relating to your fitness to study as a temporary precautionary measure prior to the Fitness to Study Panel, you have the right to appeal the decision in writing to the Director of Student & Academic Services or their nominee within 14 days of the decision being communicated to you.
16. You may appeal any decisions made under emergency action only on the basis that the temporary precautionary action was not proportionate based on new material evidence or defects in the disciplinary investigation.
17. The Director of Student & Academic Services or their nominee would investigate any appeals regarding decisions taken under emergency action and respond to you in writing within 14 days from submission of your appeal.

D. Return to Study

18. If you interrupt your studies, or we decide that your studies should be suspended for a while under this procedure, we will work with you to manage your return to study.
19. The University are responsible for contacting you no later than 28 calendar days before the agreed review date, to confirm your wish to return and to discuss any necessary arrangements. All of the actions set out by the Fitness to Study panel must have been completed, and any necessary documentary evidence have been provided, for us to be able to confirm your return to study.
20. If you do not respond within the requested time frame, we will investigate and may decide, after due consideration, that you should be withdrawn as a student.
21. In agreeing your return to study, we will need to take account of the point you had reached prior to interruption/suspension; this may mean that you need to restart your studies at the start of an academic year rather than re-join midway through a year.
22. If decisions taken under these regulations mean that you may exceed your maximum period of study by less than one calendar year, we may consider a suspension of regulations to allow you to complete.

Approved by Senate: 5th_October 2020

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