

Regulations for the Student Fitness to Study Panel

[Statutes and Regulations](#)

Council Regulations 1 of 2012

Made by Council on 14 June 2012 (date of effect 1 October 2012)

Part 1: General

1.1. These regulations are made under section 9 of Statute XIII.

1.2. In these regulations:

(1) the term 'colleges' shall mean colleges, societies, Permanent Private Halls, and other institutions designated by Council by regulation as being permitted to present student members for matriculation;

(2) 'the student' shall mean the student member whose fitness to study has been referred to the Fitness to Study Panel for consideration;

(3) 'the Panel' shall mean the Student Fitness to Study Panel.

(4) a 'primary referring body' shall mean, in the case of an undergraduate student, the college of the student concerned, and in the case of a graduate student, the faculty or department of the student concerned; a 'secondary referring body' shall mean, in the case of an undergraduate student, the faculty or department of the student concerned, and in the case of a graduate student, the college of the student concerned.

Part 2: Membership

2.1. There shall be up to sixteen members of the Panel, no fewer than four and no more than eight of whom shall be appointed by Council and no fewer than four and no more than eight by the Conference of Colleges, all of whom shall be members of Congregation. Members shall hold office for four years and at the expiry of that term shall be eligible for re-appointment.

2.2. One of the four members appointed by Council and one of the four members appointed by the Conference of Colleges ('the appointing bodies') shall be designated, in each case by agreement between the appointing bodies, to serve as Chair or Vice-Chair of the Panel. The term of office shall be four years, to include two years as Vice-Chair. This is provided always that no person may hold office as Chair or Vice-Chair of the Panel ('the offices') without also being a member of the Panel and that at any given time one of the offices must be occupied by a member of the Panel appointed by Council and the other by a member of the Panel appointed by the Conference of Colleges. Provided that each of these conditions is adhered to, the Chair and Vice-Chair may serve one additional four-year term of office (two years as Vice-Chair and two years as Chair) by agreement between the appointing bodies.

2.3. The Chair of the Panel shall be responsible for the general administration of the business of the Panel and for such other tasks as are specified in these regulations. The Chair of the Panel may

delegate to the Vice-Chair such matters falling within the scope of these responsibilities as he or she shall determine.

2.4. In the event of the resignation of any member of the Panel before the end of his/her four-year term of office, whichever of Council or the Conference of Colleges appointed the resigning member shall appoint a replacement to serve for the remainder of the term concerned. At the expiry of that remainder, the replacement member shall be eligible for re-appointment under regulation 2.1 as if they had initially held office for four years.

2.5. Council and the Conference of Colleges shall by agreement appoint a person to serve as Secretary to the Panel ('the Secretary'). The Secretary shall be responsible for the organisation of the Panel's work but shall not be a member of the Panel or participate or vote in its proceedings.

Part 3: Powers

3.1. The Panel shall consider only such cases referred to it by:

(1) (a) a primary referring body;

(b) a secondary referring body which has first consulted with the relevant primary referring body and the latter has indicated that it does not see a reason itself to make a referral but has no objection to the secondary referring body doing so; or:

(c) a secondary referring body falling within the ambit of regulation 3.2;

(2) (a) the Proctors;

(b) the Student Disciplinary Panel;

(c) the Student Appeal Panel;

where under the relevant statute or regulation there are powers to suspend hearings until such a view is sought.

3.2. Where a secondary referring body has first consulted with the relevant primary referring body and the latter has refused to make a referral, the secondary referring body nonetheless has the right, irrespective of the view of the primary referring body, to ask the Chair of the Panel to review the matter. In such cases, the Chair of the Panel must request and, if such are received, consider representations from the primary and secondary referring bodies, and shall determine in the light of such representations whether the case should be referred to the Panel for consideration. In the event of a positive determination, the Panel shall consider the case.

3.3. Notwithstanding regulation 3.1, the Panel may consider only such cases concerning the fitness to study of a named student as fall within the relevant referring body's jurisdiction and provided always that it is reasonably satisfied that any other reasonable recourse or mechanism available, either under the governing primary, secondary or other rules of the relevant referring body or under the statutes and regulations, has first been followed.

3.4. Notwithstanding regulations 3.1 and 3.2, the Chair of the Panel shall be entitled to rule that a case which has been referred should not be further considered by the Panel on the basis that it falls outside the Panel's jurisdiction as defined in these regulations.

3.5. (1) The Panel shall make determinations in respect of a student's fitness to study on behalf of the University and make such recommendations to referring bodies as it shall consider necessary and proportionate, given the factors specified in regulation 3.8. Decisions and recommendations may include but are not limited to the following:

(a) a decision or recommendation that a student is not fit to study in accordance with section 6 of Statute XIII;

(b) a decision or recommendation that the student is fit to study in accordance with section 6 of Statute XIII;

(c) a decision or recommendation that the student's continued access to University and college facilities and premises be subject to certain conditions;

(d) a decision or recommendation that a student's access to University and college premises and facilities be suspended for a specific, or for an indefinite, period;

(e) a recommendation that the matter is dealt with by the college under procedures determined by the college.

(2) The Panel shall seek the views of the student's college and department/faculty before making a decision or recommendation under paragraph (1) above.

(3) The decision of the Panel shall be final and marks the completion of the University's procedure concerning fitness to study.

3.6. Notwithstanding regulation 3.5, the Panel may refer back for resolution to the primary or secondary referring body, as appropriate, any case which it believes may best be resolved by that referring body's own internal processes.

3.7. Notwithstanding regulation 3.5, the Chair of the Panel may, in cases of demonstrable and serious urgency, recommend after discussion with the primary referring body that such interim measures be adopted as are necessary and proportionate until such a time as the case may be determined by the Panel.

3.8. In considering a case the Panel (or, in the case of regulations 3.4 and 3.7, the Chair of the Panel) shall:

(1) apply the definition of 'fitness to study' set out in section 6 of Statute XIII;

(2) be entitled to employ or to draw upon suitably qualified expert advice, including expert medical, psychiatric and legal advice;

(3) have due regard to the obligations of the University and the student's college under equality legislation and the duty to make reasonable adjustments.

3.9. In accordance with section 11 of Statute XIII, if a student who faces disciplinary proceedings under the University's procedures is referred to the Panel, the disciplinary proceedings shall be suspended pending the Panel's consideration of the student's fitness to study and shall recommence automatically if it is the decision of the Panel under regulation 3.5 that the student is fit to study.

3.10. (1) In circumstances where a student's condition or conduct gives rise to a need for immediate action, the Proctors shall have power to suspend that student pending consideration by the Panel of his/her fitness to study.

(2) Each suspension under paragraph (1) above shall be reviewed by the Proctors at least every 21 days.

3.11. Any information received by the Panel or the Proctors in respect of matters concerning a student's fitness to study shall be regarded as strictly confidential and any person or body dealing with such information shall have due regard to the duty of confidentiality attaching to the information concerned.

Part 4: Sittings

4.1. Where a case is referred to the Panel and is not excluded by the Chair under regulation 3.4, the Chair and Vice-Chair shall designate three members of the Panel (one of whom may be either the Chair or Vice-Chair) to hear the case and make a decision or recommendations or references back under regulations 3.5 or 3.6. One such member shall always be drawn from those appointed by Council and one from those appointed by the Conference of Colleges under regulation 2.1. The third member shall be drawn from those appointed by the Conference of Colleges in cases concerning undergraduate students and from those appointed by Council in the case of graduate students. Members of the Panel shall not have had prior involvement with the particular student's case.

4.2. The Chair shall direct the procedure for the hearing and the Secretary shall be responsible for making such arrangements as are necessary for each hearing.

4.3. The Panel shall be bound in all its hearings by the rules of natural justice (and in so far as they differ, by the rules of procedural fairness).

4.4. The Panel may commission expert opinion and ask the student concerned to attend a consultation with the expert appointed.

4.5. The student shall be entitled to make representation to the Panel and may call witnesses in support of such representation. They may at all times be accompanied to hearings by a person of their choice but will be expected to answer questions put to them, even if another person acts as their advocate.

4.6. Refusal or any failure to attend the hearing by the student, their witnesses or the person chosen to accompany the student, and any refusal or failure by the student to attend a consultation under regulation 4.4, shall not necessarily invalidate the proceedings. The Panel will consider whether an adjournment would in such circumstances be appropriate but has the right under such circumstances to proceed with the hearing.

Part 5: Hearings of the Panel

5.1. Hearings shall be conducted in private in accordance with guidance and procedures approved by the Student Health and Welfare Subcommittee of the Education Committee and shall have due regard to the principles of natural justice.

5.2. The student shall be notified of the date of the hearing and shall normally be given a minimum of 10 working days' notice.

5.3. The student shall be given reasonable notice, and wherever reasonably possible a minimum of 10 working days' notice, of the matters to be considered by the Panel.

5.4. The referring body should normally provide to the Panel in advance of the hearing the papers that it wishes the Panel to consider in evidence. A copy of such papers is at the same time normally to be provided to the student except to the extent that the Panel, informed by expert guidance, is of the view that any matter under consideration, if known to the student, could have an unacceptably deleterious impact on the student or on others.

5.5. Where expert opinion is required, the Panel will adjourn until such time as the opinion has been obtained.

5.6. The hearing shall commence with private discussions of the Panel to clarify matters of process only.

5.7. The student and an accompanying person (if any) shall be called to appear before the Panel. The student and any accompanying person may normally be present for the duration of the hearing until such time(s) as s/he is asked to withdraw so as to enable the Panel to come to its decision.

5.8. The Chair of the Panel shall outline the detail which the Panel has been convened to consider and ensure that the student understands the nature of the matters under consideration.

5.9. A statement shall be requested from the student about the matters under consideration upon which the Panel shall be entitled to question the student. Any failure by the student to provide such a statement shall not necessarily invalidate the proceedings.

5.10. Witnesses or external advisors (of which the Panel and the student have been notified in advance) shall be called in the following order: those called by the Panel followed by those called by the student. Each witness or external advisor shall be requested to make an oral statement or to confirm the contents of a previously provided written statement. They shall be questioned by the Panel and may be questioned by the student or accompanying person. Witnesses or external advisors shall withdraw from the hearing after questioning.

5.11. The student and accompanying person shall withdraw to enable the Panel to consider its decisions and recommendations.

5.12. The decisions and recommendations of the Panel shall be confirmed in writing to the student and to the referring bodies by the Secretary, normally within 10 working days of the hearing.

Part 6: Annual Report

6.1. The Panel shall provide an annual report on its activities, making recommendations as appropriate, to the Student Health and Welfare Subcommittee of the Education Committee.