



## FITNESS TO STUDY POLICY

### 1. Introduction

- 1.1 **Purpose.** This Fitness to Study Policy (FtSP) exists to enable the College to make suitable provision for those rare cases in which its junior members (students) are need to take a temporary break from their studies, usually for medical reasons, so that they are not able to complete their studies according to the originally anticipated schedule. The College's principal concern is for the welfare of its students. As an academic institution, it seeks to enable its students to fulfil their academic potential and therefore sees breaks in study (including postponements of examinations) as undesirable, and allowable only in exceptional cases, and even then only within strict limits. Students admitted for a course of study of fixed or limited duration are expected to complete the course of study within that duration, without interruption, unless a situation arises that makes that impossible. However, the College recognizes that such intermissions will sometimes be necessary and in the interests of the student's welfare, and it will do everything it can to ensure that the student understands the process of applying for and returning from intermission and receives support throughout this process. Sometimes the nature of this situation may be such that, regrettably, the course of study cannot be completed at all. The interruption may be too prolonged or too repeated to allow for the measure of continuity that is necessary to participate successfully in the relevant course. Again the College will seek to be as supportive as possible throughout such a process.
- 1.2 **Support for students.** Students whose situations are or may be covered by this FtSP have a number of sources of support available to them, including their Moral Tutor, the Dean and Junior Deans, the College Nurse, the Chaplain, and the Tutor for Undergraduates. They may also find it helpful to speak with their common room welfare representatives, the University Counselling Service, OUSU sabbatical officers, relevant JCR or MCR officers and the College Doctors.
- 1.3 **Definitions.** In what follows 'the Applicant' means the person who is applying for (or who has applied for) intermission, whether the Student or not. 'The Student' means the undergraduate member of college for whom intermission is sought or to whom intermission has been or will be granted or upon whom intermission has been or will be imposed. 'A student' (without initial capital letter) means any undergraduate member of the College. 'The Doctor' refers to the medical professional being consulted, making assessment or submitting certificates or other evidence.
- 1.4 **Doctors.** The College has an arrangement with the College Doctors whereby they will provide opinions and certifications for the purpose of this FtSP. This arrangement is explained in more detail in section 3 below. It still allows students to consult the College Doctors confidentially for the normal range of advice and support. The FtSP is intended not to affect the normal interactions of students with the College Doctors acting as their general medical practitioners. Whilst it is expected that in most cases the Student will consult the College Doctors, he or she may consult, be assessed by and obtain relevant certificates from another doctor of the Student's choosing. The Student should inform the Tutor for Undergraduates so that the latter can ensure that the Doctor is informed about the FtSP. The Student may

also choose, after having visited a doctor, not to request a certificate of Fitness to Study from that doctor, but the opinion of a doctor from the 19 Beaumont Street Surgery must be sought if requested by the Tutorial Review Committee.

- 1.5 **Deadlines.** The College aims to deal with cases covered by this FtSP as quickly as possible so that delay does not aggravate any difficulties with academic progress. Accordingly this FtSP includes various deadlines with which the College and the Student must make every reasonable effort to comply. In a case where delay is unavoidable, the delaying party must explain the situation giving rise to the delay before the deadline expires, or failing that at the earliest possible opportunity afterwards, and must also keep the other party informed of progress in making up for lost time. All time periods mentioned (whether expressed in hours, days, or weeks) are to be read inclusively.
- 1.6 **Form of communication.** Where this FtSP requires communication to the Applicant or the Student in writing, the normal method is by email to the recipient's personal ox.ac.uk email address (or where the recipient lacks such an address, to the email address which has been supplied by the recipient to the College for such purposes) as well as via the pigeonhole of the Student or Applicant. Where this FtSP requires communication to the Tutor for Undergraduates in writing, the normal method is by email to the Tutor for Undergraduates's own ox.ac.uk email address or to the ox.ac.uk email address of the Academic Administrator. The email is regarded as having been delivered to the recipient at the time of sending.

## 2. General Principles

- 2.1 **Intermission defined.** Subject to 2.2 below, any interruption of full-time studies (except where imposed by the College under disciplinary procedures) that has among its consequences the postponement of any University examination is an intermission for the purposes of this FtSP. For the avoidance of doubt, this includes any case in which a student withdraws from a University examination during or immediately before that examination with a view to re-entering for that examination at a later date.
- 2.2 **Grounds of intermission.** The College will permit a student's intermission only where the Tutorial Review Committee is satisfied that:
- a. an intermission is necessary on medical or compassionate grounds (such as injury, physical or mental illness, very recent bereavement, urgent need for the Student to act as a carer towards a close family member, or maternity/paternity); and
  - b. that the circumstances are such that the Student can reasonably be expected to be able to resume his or her studies at the end of the period of intermission.
- For the avoidance of doubt the College will not grant intermission solely on the ground that the Student is or feels ill-prepared for examinations.
- 2.3 **Period of intermission.** An intermission for the purposes of this FtSP will last no more and no less than one year. The following are the only exceptions:
- a. if the Tutorial Review Committee, having taken into account the views of the Tutor for Undergraduates and the Student's Moral Tutor, judges that the circumstances warrant it, a student who applies for intermission under this FtSP on or before Friday of week four of Hilary Term of his or her first year on any course of study may be permitted to restart the same course of study with effect from the start of Michaelmas term of the following academic year;
  - b. if the Tutorial Review Committee, having taken into account the views of the Tutor for Undergraduates and the Student's Moral Tutor, judges that the circumstances warrant it, a

student who has already missed a substantial amount of work during a period in which he or she was not intermitted under this FtSP may be granted an intermission of less than one year so as to allow resumption of work at the point at which, effectively, it was abandoned; Subject to decanal permission, the Student may return at the beginning of the vacation preceding that term.

c. if the Tutorial Review Committee, having taken into account the views of the Tutor for Undergraduates and the Student's Moral Tutor, judges that the circumstances warrant it, a student who is intermitted under 2.4(c) below may have his or her year of intermission calculated from the beginning of the term in which his or her intermission is imposed, or from the start of the next term, notwithstanding that the intermission will then be, in effect, longer than or shorter than one year;

2.4 **Initiating intermission.** Intermission is normally at the Student's application. However in the following three classes of cases, and only in the following three classes of cases, it may be imposed upon a student by the Tutorial Review Committee:

a. Where a student is subject to disciplinary proceedings (whether academic or non-academic) and makes or proposes to make a defence of a kind that also discloses a possible medical ground of intermission (which may be supported by evidence from a consultation with a doctor of the student's choosing), the disciplinary proceedings may be temporarily stayed at the initiative of the Tutorial Review Committee and the Student may be required to attend the College Doctors for an assessment of fitness to study according to the special procedure laid out in 3.3 below. If the Student is then certified unfit to study by the College Doctors an intermission may be imposed upon the Student by the Tutorial Review Committee with or without the Student's consent. If the Student refuses to attend the College Doctors for an assessment of fitness to study as required under this provision, then his or her defence may be disregarded for the purpose of determining the disciplinary outcome by the officer or committee then having charge of the disciplinary proceedings. Where a Student who had previously been subject to academic disciplinary proceedings is allowed or required to intermit on medical grounds, the Tutorial Review Committee may impose academic conditions as a condition of his or her return into residence, in addition to the requirement to provide medical evidence of fitness to study.

b. Where a student is subject to disciplinary proceedings (whether academic or non-academic) and makes or proposes to make a defence of a kind that also discloses a possible compassionate ground of intermission, the disciplinary proceedings may be temporarily stayed (at the initiative of the panel or committee then having charge of the disciplinary proceedings) and the Student may be required to provide proof of this compassionate ground.

c. Where, in the judgment of the Dean or Tutor for Undergraduates, having consulted the Student's Moral Tutor, a student's physical or mental condition is such as to give rise to grave concerns for his or her safety or the safety or well-being of those around him or her, the Dean or Tutor for Undergraduates (as the case may be) may require certification of fitness to study by the College Doctors to be provided to the Tutor for Undergraduates under the special procedure set out in 3.3 below. If the Student is certified unfit to study by the College Doctors an intermission may be imposed upon the Student by the Tutorial Review Committee with or without the Student's consent. If the Student fails to attend the College Doctors for an assessment of fitness to study as required under this provision then that will be treated for the purpose of this provision as a case in which the Student was certified unfit to study by the College Doctors. In any case falling under this provision the Tutor for Undergraduates is empowered to impose an intermission provisionally on the Student, pending certification of fitness to study by the College Doctors, and without awaiting a decision by the Tutorial Review Committee. In any case in which an intermission is imposed provisionally and the imposition is subsequently confirmed by the Tutorial Review Committee under this provision,

the date of provisional imposition shall qualify as the date of imposition of the intermission for the purposes of 2.3(d) above.

- 2.5 **Medical and academic conditions as to return.** In cases in which intermission has been granted on medical grounds the College will require certification of fitness to study as a condition of return. Where, in the professional judgment of the College Doctors, certification of fitness to study requires attendance at the College Doctors' surgery, such attendance forms part of the relevant condition as to return, whether expressed or not. The Tutorial Review Committee may also impose academic conditions as a condition of the Student's return into residence.
- 2.6 **Failure to meet conditions as to return.** If the Student fails to meet any condition as to return, then (subject to the outcome of any appeal he or she may launch under 4.4 below) the Student ceases forthwith to be a member of the College, and this is an automatic consequence of the failure rather than a new determination by the Tutorial Review Committee or the Tutor for Undergraduates. Pending any appeal under 4.4 below the Student remains a member of the College but is to be allowed back into residence only at the discretion of the Governing Body. In the event of a failed appeal the Student's membership is regarded as having ceased at the time at which he or she failed to meet the condition as to return, not at the time of determination of the appeal. Subject to the exception in 3.4 below, the College does not allow for repeated attempts at meeting any conditions as to return.
- 2.7 Further conditions to be met after return. In cases where the College Doctors have certified a Student fit to study after a period of intermission, but have indicated that the Student's fitness to study should be kept under review, the Tutor for Undergraduates shall ensure that such review take place at regular intervals. Should that review indicate that a Student who had returned from a period of intermission was once again unfit to study, the Tutorial Review Committee may, if it deems it appropriate, terminate the Student's membership of the college. In the event that the College doctors certify that a Student should only be allowed to return into residence following a period of intermission if he or she satisfies certain conditions relating to medical supervision or treatment, and the Student then fails to meet those conditions, the Tutorial Review Committee may, if it deems it appropriate, terminate the Student's membership of the college. Pending any appeal under 4.4 below the Student remains a member of the College.

### 3. Procedures in more detail

- 3.1 **Form of application.** An application for intermission of studies is to be made to the Tutor for Undergraduates in writing by the Student, or (in cases where the Student is unable) by someone acting on his or her behalf. Except where the opinion of the College Doctors has been (or will shortly be) sought by the Student or by the Applicant and has been (or will shortly be) communicated direct by the College Doctors to the Tutor for Undergraduates, evidence supporting the proposed intermission and showing the ground of it is to be included with the application. In the event that the Tutor for Undergraduates doubts the adequacy of the evidence supplied, the Tutor for Undergraduates may require additional evidence to be supplied and/or require the Applicant to obtain the opinion of the College Doctors, to be communicated direct to the Tutor for Undergraduates.
- 3.2 **Determination of application.** An application for intermission of studies under 3.1 is to be considered by the Tutor for Undergraduates who is to arrive at a recommendation after consulting the Student's Moral Tutor. The Tutor for Undergraduates's recommendation is to be put to the Tutorial Review Committee in writing and supported by a brief statement of

reasons, at its next available meeting, which may be a special meeting called for the purpose of determining the application for intermission only. Members of the Tutorial Review Committee will be supplied with copies of the application letter and the supporting evidence only:

- a. if and to the extent that the Applicant so requests; or
- b. if and to the extent that the Tutor for Undergraduates believes it necessary and proportionate for the proper consideration of his or her recommendation; or
- c. where the Tutorial Review Committee is minded to reject the application (either in accordance with or contrary to the recommendation of the Tutor for Undergraduates) at the request of any member of the Tutorial Review Committee.

If the Applicant prefers the application letter or any item or items of supporting evidence not to be passed to the Tutorial Review Committee this should be made clear in the application letter, in which case the item or items in question will be withheld (irrespective of any potential importance to the success of the application). If the Applicant wishes to she or he may make direct representations to the Tutorial Review Committee. The decision of the Tutorial Review Committee is to be communicated within 48 hours to the applicant in writing by the Tutor for Undergraduates and, in the event that the intermission is allowed by the Tutorial Review Committee, the Tutor for Undergraduates is to make timely arrangements for the intermission to take effect.

- 3.3 **Special procedure.** Where the College seeks to impose an intermission on the Student under 2.4 above, the committee or panel or officer responsible for initiating the imposition under 2.4 shall write to the Student requiring the Student to make contact with the College Doctors for the purpose of obtaining a certificate of fitness to study, to be communicated direct to the Tutor for Undergraduates by the College Doctors. The letter to the Student shall state the grounds, under this FtSP, for setting such a requirement and shall specify a reasonable time (not exceeding three weeks) for the Student to obtain the certificate. Within 48 hours of receipt of certification, the Tutor for Undergraduates is to notify the committee or panel or officer responsible under 2.4 above of the verdict of the College Doctors. If the verdict is that the Student is not unfit to study, any stayed disciplinary proceedings will be resumed. If the verdict is that the Student is unfit to study, then a report on the case will be made by the Tutor for Undergraduates to the Tutorial Review Committee in writing recommending that the Student be intermitted under this procedure, the intermission to take effect upon ratification by the Tutorial Review Committee at its next available meeting, which may be a special meeting called for the purpose of ratifying the Tutor for Undergraduates' recommendation. The Tutorial Review Committee is required to ratify the recommendation of the Tutor for Undergraduates except in cases in which, in the judgment of the Tutorial Review Committee, the special procedure set out here was not correctly followed. The Student shall be entitled to make a written representation to the Tutorial Review Committee via the Tutor for Undergraduates, but only to draw attention to any respect in which, in the Student's opinion, the special procedure was not followed. If the Tutorial Review Committee determines that the special procedure was not followed it may, where in its judgment this would not prejudice the Student's position, require the special procedure to be restarted, but if it does not so require then any stayed disciplinary proceedings will be resumed. The decision of the Tutorial Review Committee is to be communicated by the Tutor for Undergraduates within 3 working days to the Student in writing and, in the event that the intermission is to be imposed, the Tutor for Undergraduates is to make timely arrangements for it to take effect. In cases in which disciplinary proceedings resume under this special procedure, any time limits or deadlines applicable to those proceedings shall be calculated without counting the days during which the proceedings were stayed, unless there was unreasonable delay on the part of the College or its Doctors, in which case the days during

which the proceedings were stayed shall be counted in calculating any time limit or deadline for action by the College or its officers or its committees (but not in calculating any time limit or deadline for action to be taken by the Student). The determination of whether a delay was unreasonable shall be made by the panel or committee then having charge of the disciplinary proceedings.

- 3.4 **Return into residence.** Where certification of fitness to study is required as a condition of an intermitted student's return into residence it shall be the responsibility of the Student to consult the doctor for the purpose of certification. That consultation is to take place no earlier than 14 weeks and no later than 4 weeks before the first day of the full term in which the Student's return is anticipated. An intermitted student who believes that he or she cannot reasonably be expected to consult the College Doctors in accordance with the timetable above, or who wishes to have a second attempt following a failed attempt to obtain certification of fitness to study, may apply to the Tutor for Undergraduates in writing, no later than 3 weeks before the first day of the full term in which the Student's return is anticipated. Any such application shall include a reasoned explanation for the request, and shall be allowed only at the discretion of the Tutor for Undergraduates, to be exercised on reasonable grounds. Both the decision of the Tutor for Undergraduates and its grounds are to be communicated to the Student in writing within 7 days of any such request. In the case of any dispute as to whether the Tutor for Undergraduates' grounds for refusing the request are reasonable, the appeal procedure under 4.4 below applies.
- 3.5 **Failure to meet conditions.** Where the Tutor for Undergraduates, after consulting with the Student's Moral Tutor, judges that the Student fails to meet any condition as to his or her return set under this FtSP, or fails to meet any condition to be satisfied after return, notice of that failure, and of the consequence, will be given in writing to the Student by the Tutor for Undergraduates acting on behalf of the Tutorial Review Committee, within 3 working days of the failure's having come to the attention of the Tutor for Undergraduates. In case of dispute about whether any condition as to return has been met by the Student, the appeal procedure under 4.4 below applies.
- 3.6 **Content of communication from the College Doctors.** Where the College Doctors provide the Tutor for Undergraduates with an opinion for the purposes of this FtSP, that opinion will include such detail of the Student's medical or medically-related conditions as are necessary, in the opinion of the College Doctors, for their opinion to count as helpful evidence for the College in determining the success of an application of intermission. Where the College Doctors provide the Tutor for Undergraduates with a certificate of fitness to study for the purpose of this FtSP, the certificate shall state:
- a. whether, in the view of the College Doctors, the Student is or is not fit to continue with or (as the case may be) resume his or her studies at the date of certification;
  - b. whether that view is informed by the direct observations of the College Doctors, or by material assembled from other sources, or by both methods together;
  - c. where the Student is not certified fit to study, the main medical explanation or explanations for that being the case, in the briefest terms;
  - d. where the Student is certified fit to study, any proviso to the effect that in the opinion of the College Doctors continuing review of the situation is required or continuing treatment or medication is required, or any similar proviso that will enable the College to set suitable conditions for the Student to meet, under 2.7 above, after his or her return to college.
- 3.7 **Doctor-patient confidentiality.** In cases in which the College Doctors are to communicate any matter (whether an opinion or a certification) directly to the Tutor for Undergraduates, the Student will be required to grant to the College Doctors a limited waiver of doctor-patient



confidentiality for that sole purpose. The Tutor for Undergraduates undertakes to preserve the confidentiality of any matter communicated by the College Doctors under such a waiver except to the extent that further communication is required under 3.1 above or for the purpose of 4.12 below, and when such further communication is required a similar obligation to preserve confidentiality will be attached to the communication. The consequences, under this FtSP, of failure to grant a waiver of confidentiality to the College Doctors are the same as the consequences, under this FtSP, of failure to consult the College Doctors when so required. In exceptional and rare cases of grave emergency or severe incapacitation, the College Doctors reserve the right to follow their normal professional practice in communicating with the Tutor for Undergraduates without first obtaining from the Student a waiver of doctor-patient confidentiality. In such cases the Tutor for Undergraduates undertakes to preserve the confidentiality of any matter communicated exactly as if it were under a waiver of confidentiality.

#### 4. Appeals

- 4.1 **Appeals against refusal of intermission.** Intermission instigated by the Student is a special concession granted out of compassion, not a right of the Student. There is therefore no right of appeal against the refusal of an application to intermit. There is no obstacle to the making of a fresh application supported by new evidence or on the basis of a change in situation or on any other basis such that the Tutorial Review Committee might reasonably be expected to reach a different determination. The Tutorial Review Committee may, however, decline to accept, and hence consider, a re-application which the Tutor for Undergraduates judges to be in substance a mere repetition of a recently refused application. There is no right of appeal against such a judgment of the Tutorial Review Committee.
- 4.2 **Appeals against imposition of intermission.** There is no appeal against the imposition of an intermission by the College under the special procedure in 3.3 above, except on the ground that a procedure in this FtSP was not correctly followed. The Student exercises the right of appeal under this provision by giving notice of appeal in writing to the Provost within 7 days of the Student's being informed under 3.3 above of the decision to impose an intermission upon him or her. The Provost may extend the 7 day time limit in this provision by any number of days in his or her discretion (up to a maximum of 84 days) in cases in which, in his or her judgment, the health of the Student was such at the time of intermission that he or she could not reasonably have been expected to exercise his or her right of appeal within 7 days.
- 4.3 **Appeals against conditions as to return.** Any student granted an intermission, or who has an intermission imposed upon him or her, may appeal against the imposition of any condition as to return on the ground that the condition is not appropriate to his or her case. The Student exercises the right of appeal under this provision by giving notice of appeal in writing to the Provost within 7 days of the Student's being informed under 3.2 above of the decision to allow his or her request for intermission, or under 3.3 above of the decision to impose an intermission upon him or her. The Provost may extend the 7 day time limit in this provision by any number of days in his or her discretion in cases in which, in his or her opinion, the health of the Student was such at the time of intermission that he or she could not reasonably have been expected to exercise his or her right of appeal within 7 days.
- 4.4 **Appeals upon failure to satisfy conditions.** Any student granted an intermission, or who has an intermission imposed upon him or her, may appeal against the coming into effect of the consequence of his or her failure to meet any condition as to his or her return, or any condition to be met after return, but only on one or more than one of the following grounds:
- a. that the Tutor for Undergraduates unreasonably refused to allow the Student a second or

- belated attempt, under 3.4 above, to satisfy a fitness to study condition; or
- b. that the Tutor for Undergraduates was mistaken in his or her judgment under 3.5 above that the Student failed to meet one or more of the conditions; or
- c. that the medical evidence the committee based their decision on is disputed. In this latter case the final decision, against which an appeal may not be made, shall be taken by a doctor at the 19 Beaumont St Surgery who was not involved in the original consultations or submission of evidence. The Student may be required to visit the doctor if an appeal on this ground is launched.
- 4.5 An appeal under 4.2, 4.3, or 4.4 above is to be made to the Provost. Any determinations or consequences appealed against are stayed pending determination of the appeal.
- 4.6 **Representation of Tutorial Review Committee at an appeal.** Within 4 days of an appeal being lodged, the Tutorial Review Committee is to nominate a person ('the Tutorial Review Committee Representative') to make a case before the Provost in favour of the position taken by the Committee. The Tutorial Review Committee Representative may be the Tutor for Undergraduates or any member of Tutorial Review Committee.
- 4.7 **Date of hearing.** Within 7 days of an appeal being lodged, the Provost shall fix a date for a hearing. The hearing is to take place within one calendar month. Subject to that one month limit, the date should be fixed in consultation with the Student and the Tutorial Review Committee Representative.
- 4.8 **Hearing details.** At least 7 days before the hearing the Academic Administrator will:
- a. write to the Student and the Tutorial Review Committee Representative to confirm the date, time and location of the hearing;
- b. provide the Student, and the Tutorial Review Committee Representative with a bundle containing copies of any relevant documents, including (but not limited to) the application for intermission if any, the supporting evidence if any, any relevant correspondence between the Tutor for Undergraduates and the Student, any record or note of any certification by or opinion of the College Doctors and the minute of any relevant meeting of the Tutorial Review Committee.
- 4.9 **Assistance and representation.** The Student shall also be informed by the Academic Administrator that he or she is entitled to be represented or accompanied at the IAC hearing by one other person ('the Friend'). If the Student wishes to be accompanied, he or she shall inform the Academic Administrator of the identity the Friend at least 72 hours before the hearing. It is the responsibility of the Student to inform the Friend, if any, of the arrangements for the hearing. Unless the Provost agrees that exceptional circumstances prevent it, the Student must attend the hearing for the appeal to be heard. This is so even if the Student has asked a Friend to speak on his or her behalf.
- 4.10 **Additional evidence.** Because the grounds of appeal under this FtSP do not generally raise disputed questions of fact, it is not normally expected that witnesses or additional documentary evidence will need to be adduced. However there may be rare cases in which such evidence will be relevant. In such cases evidence may be brought to the appeal hearing.
- 4.11 **Regulation of procedure.** The Provost has the power (having regard to the requirements of natural justice) to regulate the procedures governing preparations for the hearing, and the hearing itself, including the order in which representations are to be heard, so as to ensure that the process is fair and reasonable and, so far as possible in view of the gravity of the situation, informal and flexible.



- 4.12 **Notification of decision by the Provost.** The decision of the Provost is announced by notice in writing to the Student and to the Tutorial Review Committee Representative. The decision will not be announced until at least the next working day after the hearing. The Provost may however take up to five days after the hearing to reach and to announce a decision. Within ten days of the hearing, the Provost will produce a written report setting out his or her findings and recommendations, and the reasons for them.
- 4.13 **Possible disposals by the Provost.** In the event of a successful appeal, the Provost may, at his or her discretion, remit the case for further consideration by the Tutorial Review Committee or Tutor for Undergraduates (as the case may be) or substitute or confirm or vary any determination that the Tutorial Review Committee or Tutor for Undergraduates (as the case may be) was or would have been entitled to make under this FtSP, complete with its consequences.
- 4.14 **Finality and further appeals.** The decision of the Provost is final and not open to further appeal within the College. The Provost may, though, at his or discretion, refer the case for consideration by the University's Fitness to Study Panel.

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