

# Supporting and Determining Student's Fitness to Continue in Study - Policy and Procedure

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<b>Revision History</b>		
Previous Version No.	Summary of Amendments	Reviewed Version No.
0	Amendments made based on feedback following review by Student Experience Committee	0.1
0.1	Amendments made based on feedback following review by Policy Review Group and Data Protection Office	0.2
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0.3	Amendments were made to policy arising from consultation with staff representative bodies	0.4
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<b>Consultation Details</b>		
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	Initiation of policy was with a University working group on policy	2022

	Consultation took place with staff across Student Support Services	2022
	Reviewed by Student Experience Committee	March/May 2023
	Draft sent to Students Union and Data Protection Office for feedback	May 2023
	Draft sent to staff representative bodies for comment/feedback. Amendments were made to the draft policy to correct errors and omissions in the text, and to improve clarity in parts.	June 2023
	Draft was presented to Academic Council for approval.	May 2024

<b>Feedback</b> or issues arising on implementation of this policy should be communicated to the policy author.	
Policy Author:	Head of Student Life and Learning/ Academic Quality Integration Lead

<b>Policy Management Framework Compliance Review</b> as requested by EMT all draft policies should be reviewed by the Policy Review Group <sup>1</sup> in advance of review by EMT. Please confirm that the policy was reviewed by the policy review group.	
Date Policy Reviewed:	19 April, 2023

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<sup>1</sup> Contact [susan.green@setu.ie](mailto:susan.green@setu.ie) or [sarah.morrissey@setu.ie](mailto:sarah.morrissey@setu.ie)

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# Supporting and Determining Student's Fitness to Continue in Study - Policy and Procedure

## 1. Introduction and context

South East Technological University (SETU) is committed to implementing a policy of equal opportunities for all Students. Many Students progress through their programmes of study with little or no need for additional supports. Whilst SETU will attempt to support and assist Students in the third level educational environment, on occasions a Student's behaviour is not manageable using its normal procedures and practices. In those rare instances, a Student's behaviour as a result of mental, emotional or physical ill-health either declared or otherwise (hereinafter referred to as "Ill Health") may raise concerns as to their Fitness to Continue in Study.

A Student's Ill Health might also have impact on other's ability to study or on the teaching and administrative processes of SETU (the "SETU Community"). SETU acknowledges a duty of care towards all members of the SETU Community.

This 'Supporting and Determining Student's Fitness to Continue in Study - Policy and Procedure' (the "Policy") sets out how SETU can support a Student to continue studies, to take a break, or to stop studying completely in some instances. The Policy outlines the procedure to be followed when a concern is raised that a Student's continuation in study may be unsafe, and/or unreasonable, and/or unsustainable, either for themselves or for the SETU Community, or both.

In developing this Policy, we would like to greatly acknowledge the help and support kindly provided by Technological University Shannon (formerly Limerick Institute of Technology) who shared their equivalent policy and relevant information and allowed us to use this. The policy and information provided by Technological University Shannon informed and was drawn from in producing the current Policy and associated procedures.

## 2. Purpose of the Policy and Principles

The purpose of this Policy is to work with Students to help them participate in academic study during and after a period of Ill Health that has had an impact on a Student's behaviour. SETU recognises that mental and physical health conditions may be classed as a disability under the Equal Status Act 2000 and this Policy also helps to ensure that SETU avoids discrimination on the grounds of disability.

This Policy provides guidance about, and sets out procedures for, identifying and supporting Students where there are fitness to continue in study concerns and for determining whether a Student is fit to continue in study.

The objectives of this Policy are to:

1. Encourage early intervention and active collaboration between a Student and SETU in addressing the behavioural impact of any Ill Health a Student may face on their fitness to continue in study;
2. Identify and support Students whose behaviour, welfare or wellbeing are of concern to themselves or others, or whose behaviour or actions are impacting adversely on, or pose a risk to, the learning, working, or living experiences of themselves or others and to provide an alternative supportive approach to working with behavioural issues where a more formal disciplinary approach may (subject to review) not be deemed appropriate;
3. Guide Students who experience issues that may affect their fitness to continue in study and where appropriate agree an Action Plan that may help continuance of studies or help a Student to decide whether they might benefit from taking a break from studying (on a temporary or permanent basis). This could be for the Student's own physical or mental wellbeing, or to alleviate any negative impact on other Students or staff, or on the administrative and teaching processes of SETU;
4. Provide a suitable framework for the effective, consistent and timely identification and management of fitness to continue in study issues that may arise;
5. Treat concerns regarding Student fitness to continue in study seriously and as quickly as possible;
6. Where appropriate, support return to studying once a Student is well enough to continue their studies.

SETU acknowledges that there are Students:

- a) Whose behaviour, wellbeing, safety or welfare are of concern to themselves and/or others; and/or
- b) Whose behaviour or actions are impacting adversely on their experience to the extent that concerns arise as to their fitness to continue in study; and/or
- c) About whom there are legal concerns or risks.

Consequently, SETU has put in place formal supportive procedures:

- a) to enable Students to withdraw/suspend their studies voluntarily; or
- b) to determine if and how a Student is to be required to take a leave of absence or to withdraw on grounds of fitness to continue in study; and
- c) to enable Students to return to study where appropriate.

This Policy should be interpreted in a manner that welcomes diversity, respects the dignity of Students and staff and all persons involved, promotes equal opportunities for Students to develop their full potential, ensures a positive Student experience, and ensures a fair, clear, consistent and timely approach to dealing with fitness to continue in study matters.

The aim of the Policy is to attempt to give the Student the best outcome to continue to study while supporting the Student. Students are obliged to work with SETU to implement the Policy. It is important to note that if a Student does not, or is unable to, work with SETU under this Policy, SETU reserves the right to follow the Policy without the Student's active participation.

In all matters relating to a Student's fitness to continue in study, SETU is mindful of its obligations under the Equal Status Act (2000) as amended. All documents and notes relating to individual cases of fitness to continue in study will be retained in accordance with the records retention schedule, with SETU policy and in accordance with Irish law including Data Protection legislation.

If a Student's health or behaviour presents a serious and immediate risk to them or to others, SETU may be required to invoke emergency action(s) such as contacting emergency services or implementing a temporary suspension (see section 8 below). SETU may also have a statutory obligation to inform other internal departments such as the Child Protection Officer and share relevant information with external parties (for example, Tusla; the Gardaí).

### **3. Scope of the Policy**

This Policy applies to all Students of SETU, including while Students are on work/industrial placement or similar activities. "Student" means 'any person who has accepted an offer to study and is pursuing a course of study at SETU and includes any Visiting Student'. A "Visiting Student" means 'any Student who may also be bound by the terms and conditions of their contract (of employment and/or the policies and procedures of their host institution) and are considered as Students under SETU Regulations, Policies and Procedures to include this Policy'.

SETU Students visiting another institution or organisation for a period of study, placement or research will be subject to that institution/organisation's rules, regulations, policies and procedures for the period of their visit, and also those of SETU. Where possible and practicable, SETU will endeavour to work with the host

institution/organisation to provide supports. However, SETU reserves the right to invoke its own rules, regulations, policies and procedures for SETU Students in this situation.

#### **4. Relationship to other relevant SETU Policies**

This Policy is intended to support Students who may be experiencing adverse circumstances including ongoing Ill Health giving rise to serious, ongoing distress, or about whose behaviour serious, ongoing concerns have been raised about the Student's mental, emotional or physical health and wellbeing.

Where a Student is deemed to be experiencing an episode of acute distress (where the behaviour or ongoing issues experienced are of a severe or intense degree), the concerned party/parties should also follow the appropriate SETU guidelines for responding to distressed or at risk students or engage with appropriate emergency services.

This Policy is not usually appropriate as a response under the following circumstances<sup>2</sup>:

- a) Routine incidences of academic under-performance;
- b) Incidences of bullying, harassment or sexual harassment;
- c) Incidences that relate to issues of preparedness or fitness to practice and which fall under the remit of relevant SETU policies related to such matters;
- d) Incidences that fall under the remit of the SETU Student Code of Conduct and SETU Student Expected Behaviour Policy and Disciplinary Procedure.

Where appropriate, SETU reserves the right to consider the matters under this Policy under other relevant Policies (and vice versa) from time to time and depending on the circumstances. For example, a Student initially placed on disciplinary proceedings may later be brought under this Policy, in the event that it is deemed appropriate.

#### **5. Circumstances that may prompt fitness to continue in study proceedings**

SETU recognises and celebrates the rights of individuals to be different and embraces and supports diversity. The lived-experiences of one person are often very different than those of another. The customs and practices of the many diverse ethnic groups in our increasingly international University community may vary and require a degree of mutual understanding and mutual respect. It is

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<sup>2</sup> However, it should be noted that these may be indicators of concerns pertaining to fitness to continue in study and thus may prompt appropriate proceedings where necessary.



important that these differences be recognised and accepted, within the boundaries of the law of the land. Occasionally what may be at first sight interpreted as unusual behaviour, subsequently can be better understood and accepted in the spirit of tolerating difference and accepting diversity.

However, SETU also recognises that there may be occasion where a Student is in need of support. To that end, there is a strong tradition of supports for Students in the founding institutions of SETU. Many Students experience challenges and difficult circumstances and will overcome them with the help of support provided by friends, family, academic staff members and the administrative and professional support services in the University. This Policy intends to build on that tradition and identifies steps to be taken when it is deemed that a Student's Ill Health is unlikely to be resolved through existing supports.

Circumstances which might raise concerns amongst Students or SETU staff members about a Student's mental, physical or emotional wellbeing and the impact that studying may be having on them may include, but is not limited to, some or all of the following:

a) The Student recognises that there is an issue of concern and discloses this to a member of SETU staff; or

b) Reports by concerned parties are disclosed. The concerns may be around a Student's:

- Wellbeing, appearance, mood, physical health or welfare;
- Unexplained deterioration in academic performance accompanying behaviour which in the view of SETU academic staff is a cause of concern;
- Behaviour which is very unusual or bizarre;
- Behaviour putting themselves or anyone else at risk;
- Behaviour which is significantly distressing to others which may also prevent the effective delivery of the objectives of the learning experience;
- Behaviour which is impacting significantly on the learning, working or living experience of others.

[Please note that this list is not exhaustive.]

Behaviour also includes, in all instances, behaviour which is face-to-face as well as expressed in written or on-line communications in print or via social media, text messaging or other electronic means.

Any behaviour which appears to be a disciplinary matter may be dealt with under the SETU Student Expected Behaviour Policy and Disciplinary Procedure. Where it appears that the behaviour is persistently in breach of the SETU Student Expected Behaviour Policy and Disciplinary Procedure/Student Code of Conduct but seems to be caused by an underlying physical or mental health problem, such behaviour may be considered in addition under this Policy or in parallel where appropriate.

## **6. Invoking this Policy and procedure**

It is not necessary for a Student to progress through each level of response. The seriousness of each situation and the level of response required is a matter of judgement for the relevant personnel as indicated below.

## **7. Referral to external professional**

In some cases, particularly where there are safety concerns for the Student or others, a Student may be referred to a relevant external professional (e.g. General Practitioner/Medical Practice<sup>3</sup>). This may occur at any point under this Policy. However, where a Student has been escalated to Red proceedings, a referral to a relevant external professional will be required.

Assessments by relevant external professionals for the purpose of proceedings under this Policy must first be commissioned by the University. SETU will cover all costs associated with the initial consultation, where this is deemed necessary.

## **8. Temporary suspension on grounds of concern for fitness to continue in study**

Where a Student's safety, or the safety of others, is deemed to be at risk, it may be necessary for the Vice President for Student Experience<sup>4</sup> to temporarily suspend the Student pending further investigation and/or management of the situation. In addition, if a Student should fail to comply with fitness to continue in study proceedings, the Student may be temporarily suspended until such time as the Student agrees to comply. This will be confirmed in writing to the Student by the Vice President for Student Experience. Temporary suspension can be used in limited situations where it has been identified that there is a serious risk to the Student and/or SETU Community.

Temporary suspension under this section shall not be regarded as a finding that a Student is not fit to continue in study but rather is an emergency mechanism

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<sup>3</sup> Generally, it is expected that a referral would be made to a General Practitioner/Medical Practice in the first instance, who will suggest and arrange further referrals where this is appropriate.

<sup>4</sup> Where a Student is to be temporarily suspended under this section, the Vice President for Student Experience will not be involved at any other stage under this Policy for the Student in question. If the involvement of the Vice President for Student Experience is subsequently needed under this Policy (such as under section 13), the Vice President for Academic Affairs, Teaching & Learning will then carry out the relevant functions.

available to SETU through the Office of the Vice President for Student Experience and will be reviewed from time to time under this Policy. Relevant staff (including those who are in regular contact with the student) will be informed of the temporary suspension by the appropriate Head of Department (or equivalent) or Head of Function where this information is necessary to allow them to undertake their work.

The period of suspension shall be no longer than is reasonably necessary to allow an investigation to reach a conclusion and a finding to be made. During temporary suspension, as the Student will not be able to be present on campus, where appropriate, reasonable measures shall be taken to enable the Student to continue their studies from home.

## **9. Implementation and enforcement of procedure**

The procedure set out in this document is designed to be clear, proportional and with an appropriate degree of flexibility to be applied to different circumstances and scenarios. In this regard, not all of the following sections may be relevant to every circumstance, but the guidance here should be given consideration in making decisions.

## **10. Emerging concerns**

A Student's behaviour may give rise to a concern amongst Students or SETU staff members or, in exceptional circumstances, members of the public, about the impact of undertaking third level study is having on a Student's mental, physical or emotional wellbeing.

Where there is a concern noted that a Student's mental, physical or emotional wellbeing is being affected by their ongoing studies, an informal and confidential verbal expression of concern can be made to the Student's Course Leader or Programme Director (or equivalent) or other appropriate persons<sup>5</sup> ("Expression of Concern"). Where the Expression of Concern is raised, the Student may be invited by the Course Leader or Programme Director or other appropriate persons to avail of additional supports which are available through SETU or external to SETU. Such supports are familiar with concerns related to physical and mental health difficulties and have knowledge of the internal and external resources available.

In addition, all Expressions of Concern will be notified informally to the Head of Department. The Head of Department shall then assess the concern(s) and, depending on the circumstances and nature of the issues which are raised by the Expression of Concern, may initiate either a Green or Amber Response or refer to the Head of School/Faculty/Campus the Expression of Concern in respect of a possible Red Response as may be deemed appropriate.

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<sup>5</sup> This could include, by way of example, a placement co-ordinator or another appropriate nominated staff member.

## 11. Green response

A Green Response under this Policy may be invoked under the following circumstances:

- a) A concern persists despite the Student having already engaged with internal supports; or
- b) There is a refusal/reluctance by the Student to engage with support services.

A Green Response requires the involvement of the Student, the Student's Head of Department (or their Nominee or the Deputy Head of Campus) and a support provider (where relevant). Should the Head of Department wish to invoke the Green Response, all information that is available and that would be helpful for the Student to prepare ahead of the meeting (to include details of the behaviour that is the subject of the Expression of Concern) shall be provided to the Student in advance.

If the Student's Head of Department deems it appropriate, they shall invoke the Green Response procedure, as follows:

1. Raise a Note of Concern.
2. Notify the Student in writing of the nature of the concerns expressed.
3. Offer to facilitate a face-to-face meeting to provide support or advice to the Student from appropriate SETU staff members. Where relevant, this meeting may include discussion of the contents of any existing reports. The Student is entitled to bring a support with them to the meeting (e.g. a friend, a Students Union officer, a parent/guardian).
4. Meet with the Student to review progress.

Following the meeting and any further agreed review meetings, if there are no outstanding concerns, the Head of Department shall record same and the Action Plan outlined on the Note of Concern will be closed. A note will remain on the Student's record to indicate that decisions have been made jointly and complied with.

Where, following the meeting, the Head of Department is satisfied that the Note of Concern is not necessary under this Green Response, the Head of Department shall close the Note of Concern and no record shall be maintained of same.

If a Student chooses not to engage with the Green Response, SETU reserves the right to follow alternative policies such as the SETU Student Expected Behaviour Policy and Disciplinary Procedure or progress the Note of Concern to the Amber or Red Response below.

The Student should be informed of the outcome of the Green Response.

## 12. Amber response

The Amber Response requires the involvement of the Student's Head of School/Faculty/Campus (or their nominee at an equivalent or higher grade) and other parties as outlined below. The Amber Response should be invoked under the following circumstances:

- a) There are persisting concerns despite the Student having progressed through the Green Response
- or
- b) There are first concerns (as opposed to emerging concerns) that are of such significance as to escalate immediately to a formal multi-disciplinary case review.

The Student's Head of Department will invoke the Amber Response level of these proceedings by raising an Amber Note of Concern, which may also require re-opening any initial Note(s) of Concern from the Green level (where appropriate) and providing this to the Head of School/Faculty/Campus.

If an Amber Response is invoked by the Head of Department, the Head of School/Faculty/Campus will:

1. Notify the Student in writing of the nature of the concerns expressed.
2. Arrange a multi-disciplinary case review meeting. The purpose of this meeting is:
  - a. To consider the concerns noted;
  - b. To obtain the views of relevant parties, including the Student;
  - c. To formulate an Action Plan;
  - d. To support a Student to continue in their studies where practicable;
  - e. To support a Student who wishes to withdraw voluntarily or to take a leave of absence on fitness to continue in study;
  - f. To provide information to allow the Head of School/Faculty/Campus to determine if escalation to a Red Response is required.
3. In addition to an invitation to the Student to attend, the multi-disciplinary case review team<sup>6</sup> will include:
  - The Head of School/Faculty/Campus (or their Nominee);
  - The Head of Department (or their Nominee);
  - Where appropriate any other internal or external personnel, including medical professionals, whom the Head of

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<sup>6</sup> The Head of School/Faculty/Campus (or their Nominee), Head of Department (or their Nominee) and internal/external personnel identified here are members of the multi-disciplinary case review team. The Student and any Student representative are attendees at the multi-disciplinary case review meeting.

School/Faculty/Campus (or their nominee) should deem necessary.

Where appropriate as determined by the Head of School/Faculty/Campus, the concerned party/parties may be asked for additional information in writing or in person. If the information is given in person, this will be recorded by the Head of School/Faculty/Campus in writing and signed by the concerned party.

Where a Student attends, they may bring a representative who may speak on their behalf, if the Student wishes. Such individual shall be nominated by the Student and notified to the Head of School/Faculty/Campus or their Nominee. Save in exceptional circumstances agreed to by the Head of School/Faculty/Campus, the Student must be present as well.

The Head of School/Faculty/Campus will set a multi-disciplinary case review meeting within an appropriate time interval. The effectiveness of any agreed Action Plan should be evaluated from time to time as scheduled in accordance with the agreed Action Plan.

The outcome of this multi-disciplinary case review meeting, as determined by the multi-disciplinary case review team, may be one of the following:

- a) Close the Amber Note of Concern if no further actions are deemed necessary following the review meeting;  
or
- b) Continue the agreed support plan (Action Plan) for the Student, with or without modification, for a further specified period at which time a further review of the Action Plan shall be undertaken;  
or
- c) Arrange for the Student if the Student wishes to voluntarily withdraw/defer/take leave of absence under fitness to continue in study;  
or
- d) Escalate proceedings to a Red Response due to enduring concerns for the Student despite completion and follow-up of a multidisciplinary case review.

It is important to note that Red Response might also be invoked following a Green Response if the Student has refused to engage with supports or if circumstances have changed.

If a Student chooses not to engage with the Amber Response, SETU may follow alternative policies such as the SETU Student Expected Behaviour Policy and Disciplinary Procedure or progress the Note of Concern to the Red Response below.

The Student should be informed of the outcome of the Amber Response.

### **13. Red response**

The Red Response requires the involvement of the Vice President for Student Experience and other parties as outlined below. In an urgent situation, the Vice President for Student Experience may nominate a representative.

The Red Response is intended for exceptional circumstances where there are concerns that require urgent consideration and determination of the Student's fitness to continue in study.

The Red Response may be invoked at any time by the Student's Head of School/Faculty/Campus (or their Nominee) including where there is a serious concern about the behaviour exhibited (including, but not limited to, acute distress), without there having to be an Expression of Concern or invocation of a Green or Amber Response.

A Red Response requires an initial Note of Concern to be raised by the Student's Head of School/Faculty/Campus, which may also require the reopening of a Note(s) of Concern from a preceding level(s) of response by the Student's Head of School/Faculty/Campus (where appropriate), and submitting this to the Vice President for Student Experience.

If a Red Response is invoked by the Head of School/Faculty/Campus, the Vice President for Student Experience will:

1. Arrange a Fitness to Continue in Study Panel Review ("the Panel Review").
2. Notify the Student in writing of the nature of concerns expressed at the earliest opportunity.

The Fitness to Continue in Study Panel (the "Panel") shall be composed of the following members or their Nominee:

- The Vice President for Student Experience (Chair);
- A Head of School/Faculty/Campus who has not been involved at a previous response level;
- The Students Union President;
- A minimum of one relevant external professional<sup>7</sup>;
- Any other members that the Chair shall determine as being necessary depending on the circumstances, who may be internal or external to SETU.

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<sup>7</sup> In the first instance, it is expected that this will be a General Practitioner/Medical Practice, who will advise if other practitioners are needed.

The Head of School/Faculty/Campus and Head of Department who were involved in previous response levels will be invited to attend the meeting of the Panel Review, to provide relevant information as pertaining to the fitness to continue in study matters in question. Where appropriate, at the discretion of the Chair, the concerned party/parties may also be invited to attend the meeting of the Panel Review, to provide relevant information as pertaining to the fitness to continue in study matters in question.

The Student shall be advised prior to the meeting of the date, time and place of the Panel Review and shall be invited to attend. Where a Student attends, they may bring a representative, who may speak on their behalf if the Student wishes. Such individual shall be nominated by the Student and notified to the Head of School/Faculty/Campus or their Nominee. Save in exceptional circumstances agreed to by the Head of School/Faculty/Campus the Student must be present as well if they are bringing a representative.

Whilst a Student's presence is desirable, the Panel Review can proceed without such attendance.

A note taker shall attend the meeting. The notes will be for approval by the Chair.

The Panel will consider all records and submissions relevant to earlier response levels (if any) and any other information which they are provided with by either the Student or the referring party or by any third party at the request of the Panel and with, where appropriate, the consent of the Student.

Expert, independent opinion from a minimum of one relevant external professional shall, unless exceptional circumstances arise, be required for the Red Response procedure under this Policy. The Panel is not required to accept, but will evaluate with utmost good faith, the recommendations of external professionals.

The outcome of the Panel is not limited in any way and will be determined on a case by case basis. By way of example, possible outcomes of a Panel Review are:

- a) The Student is deemed fit to continue in study subject to compliance with an Action Plan within specified timelines. If the Student should fail to comply with the Action Plan, the Vice President for Student Experience shall, on behalf of the Panel, enforce an academic leave of absence for an agreed period of time under this Policy to be reviewed on a regular basis.
- b) The Student is requested formally to take a leave of absence from study for a specified period under this Policy by the Vice President for Student Experience on behalf of the Panel;
- c) The Student is requested to withdraw from study with immediate effect.



A written statement of the outcome of the Panel shall be forwarded to the Student, the Student's Head of Department and staff who need to be informed as a result of their role, as soon as possible following the determination of the Panel. Where appropriate and necessary, Registry will also be notified of the outcome.

If outcome (b) above is determined, the Vice President for Student Experience will arrange formal follow-up within an appropriate timeframe.

The effectiveness of the agreed Action Plan should be formally evaluated, with, where possible, all original members of the Panel present at a formal follow-up meeting.

The outcome of the formal follow-up meeting can be as follows:

- a) Proceed with regular review meetings under the Green or Amber Notice under this Policy;  
or
- b) Close the Note of Concern if no further actions are deemed necessary following the review meeting;  
or
- c) Arrange for the Student if they wish to voluntarily withdraw/defer/take leave of absence under fitness to continue in study.  
or
- d) If the agreed Action Plan has not been met, place the Student on academic leave of absence under this Policy.

If a Student chooses not to engage with the Red Response, SETU may need to follow alternative policies such as the SETU Student Expected Behaviour Policy and Disciplinary Procedure.

#### **14. Right of appeal**

Save for Temporary Suspension under Section 8, where a Student has been placed on academic leave of absence and/or advised to and is required to withdraw under fitness to continue in study, the Student shall have a right of Appeal.

An Appeal to any such determination as set out above must be made by the Student to the Vice President for Student Experience within ten working days<sup>8</sup> of notification of the outcome of the Panel Review. Third parties are not entitled to appeal on the Student's behalf.

An appeal may only be made on the following grounds:

- a) The procedure to determine Fitness to Continue in Study was not followed accurately or fairly;

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<sup>8</sup> In exceptional circumstances, such as medical, this may be extended by the Vice President for Student Experience.

- or
- b) Relevant information was not considered by the Fitness to Continue in Study Panel.

If an Appeal on the above grounds is requested by the Student within the permitted time, the Vice President for Student Experience will convene an Appeal Panel to consider the matter.

The Appeal Panel will consist of the following members, none of whom can have had any involvement with the previous response levels for the matter in question:

- A Head of School/Faculty/Campus (or Nominee) (Chair);
- A nominee of the Students Union President;
- A nominee of the Vice President for Student Experience.

The Appeal Panel will be entitled to determine the Appeal in private or may, where necessary, seek further materials and/or meeting with the Student and any other relevant party. Where a Student attends, they may bring a representative, who may speak on their behalf if the Student wishes. Such individual shall be nominated by the Student and notified to the Chair. Save in exceptional circumstances agreed to by the Chair, the Student must be present as well if they are bringing a representative.

The Appeal Panel may, following its review of the Appeal:

- a) Accept the Appeal and overturn the original decision (in whole or in part);
- b) Reject the Appeal and uphold the original decision (in whole or in part);
- c) In exceptional circumstances, on foot of additional relevant information provided during the course of the Appeal (i) refer such materials to the Fitness to Continue in Study Panel for their consideration and comment and/or (ii) consider a different outcome on foot of such additional information.

A written statement of the outcome of the appeal shall be forwarded to the Student, the Student's Head of Department and staff who need to be informed as a result of their role, as soon as possible following the determination of the Appeal Panel. Where appropriate and necessary, Registry will also be notified of the outcome.

The Appeal Panel shall be and is the final arbiter in respect of any matters pertaining to fitness to continue in study. If a Student remains unhappy with the determination of the matter, the Student may make a complaint to the Ombudsman ([www.ombudsman.ie](http://www.ombudsman.ie)).

## **15. Documentation for leave of absence/withdrawal under fitness to continue in study**

Where under this Policy a determination has been made that the Student is required to take a leave of absence/withdraw or the Student indicates that under this Policy they propose and are seeking to take an academic leave of absence (for a prescribed period) and/or withdraw from studies, the University will provide the Student with the appropriate documentation which may include:

1. Leave of Absence Form or Withdrawal Form (as appropriate) specific to fitness to continue in study;
2. Written confirmation of the outcome of the Red Response Panel Review (where relevant);
3. Written confirmation of the timeline for re-engagement (where relevant);
4. Written confirmation of the procedure for re-engagement, appropriate to the individual circumstances, as well as any individual requirements for re-engagement as recommended by the Fitness to Continue in Study Panel or Appeal Panel (where relevant). Applications for re-admission must adhere to the admissions and registration procedures of SETU, as well as all academic policies and regulations of SETU.

Where a Student fails, or is not fit, to sign the Leave of Absence or Withdrawal Form, then appropriate actions for the safety, health and welfare of the SETU Community may be taken.

## **16. Withdrawal under fitness to continue in study**

In certain instances, a Student may be deemed to be at risk, or to be a risk to others, if the Student were to continue in their chosen programme.

Where such concerns arise, the Head of School/Faculty/Campus (or their nominee) should request immediate escalation to the Red Response, and an assessment with a relevant external professional should be scheduled for as soon as possible. While awaiting the outcome of the assessment, the Student will not be permitted to participate in certain programme requirements where the Student may be at risk, or may pose risks to others. The Student will be notified of any requirement to withdraw at any time from study under this Policy.

The outcome of the external assessment will inform the best course of action to ensure the Student's health and safety, and that of others. If (following the Panel Review) the Student is in fact deemed to be a risk to themselves, or to others, if the Student were to continue on their chosen programme, the Student will be required to complete a Withdrawal Form under this Policy. Once the relevant Withdrawal Form is returned, the Student will be recorded as withdrawn by the Student Registration Office.

Where a Student fails, or is not fit, to sign the Withdrawal Form or engage in the process, then appropriate actions for the safety, health and welfare of the Student and the SETU Community may be taken.

### **17. Return to study following a leave of absence**

Any Student who takes a leave of absence for an agreed period of time under this Policy shall be entitled to apply to re-register after the agreed period of time has passed in line with the Admissions policies and schedules of SETU.

In such circumstances, advice on the timing, re-admission dates and conditions of return to study will be determined by the SETU academic policies and regulations, subject to availability of the relevant Programme and its requirements (including that the currency of the Student's learning is still up-to-date), and the Student having met any other conditions set. If the module/course/programme is not running at the time, the relevant Academic Department will provide guidance about the recommencement of the module/course/programme. However, should a module/course/programme no longer be in existence after an elapse of time, SETU shall not be under an obligation to provide same. If appropriate, the Student may be deemed eligible to transfer/reapply to another programme of study in line with SETU academic and admissions policies and regulations.

If a Student returns to SETU following an agreed leave of absence under this Policy, and subsequent concerns should arise, the Policy process can recommence at a level of response deemed appropriate given the presenting circumstances.

The onus is with the Student to reengage directly with their Head of Department after the agreed time has passed and once the Student has met any specific requirements as identified at the time of taking the leave of absence from studies. The Student will not be contacted by any SETU staff member after the agreed time has passed. The Student will not be considered to have re-engaged until they have made direct contact with their Head of Department, who will advise as to the process to be followed by the Student as appropriate.

The Student is advised to make themselves aware of all potential financial and other implications (academic and non-academic) of a leave of absence or withdrawal from their current programme.

### **18. Record keeping, data protection, confidentiality and reporting**

In the context of this Policy, it is good practice for staff members to keep brief notes of any interactions with Students. Staff members should be aware that any notes taken will be available to the Student under Freedom of Information and Data Protection Legislation.

Records should be kept securely and confidentially in the relevant departments, Schools/Faculties and functions as appropriate in accordance with the records retention schedule, with SETU policy and with the principles of the Data Protection legislation as amended from time to time.

The SETU staff member indicated as responsible for overseeing each response level should retain a copy of the Note of Concern. The Note of Concern can be forwarded to relevant SETU staff members in the event that the Student proceeds to an additional response level.

It may be necessary to share information under this Policy with relevant SETU staff members. Any parties with whom information is shared will be advised that the information is confidential and that it is not for onward transmission or general dissemination and will comply with Data Protection legislation.

On an annual basis (and more often if requested), an anonymised report of matters that have given rise to a Green, Amber or Red response under this Policy will be prepared for the Executive Management Team and the Governing Body. The information contained in this report will be used by the Executive Management Team and the Governing Body in refining and developing this Policy.