

Chapter 3 Provision for students whose behaviour causes concern

Students subject to this procedure may ask the Office of the Independent Adjudicator for Higher Education (OIA) to review their case but **only after the University's procedure has been exhausted**. Information on the OIA scheme can be found at <http://www.oiahe.org.uk>.

Introduction

The University understands that an individual student may demonstrate behaviour which causes concern for their own wellbeing or the wellbeing of the wider University community. Such behaviour may be attributed to, for example, a medical condition, mental illness or taking (or failing to take) prescribed medication. Intervention under these provisions may also be appropriate in the case of a student who fails to recognise that s/he is suffering from a communicable disease and/or fails to notify the University of their condition as soon as it is practicable to do so. In these circumstances the University recognises that the student may benefit from the University's direct intervention and support. These provisions are intended to provide a framework to help the student out of his/her difficulties while protecting the student, the public and the work of the University.

Any student subject to these provisions is encouraged to seek advice and support from one of the University's support services located in Student Services such as the Counselling and Personal Support or Disability Advice and Support services and/or an independent source, for example the Leicester Action for Mental Health Project (LAMP), the Mental Health Foundation, MIND, or the De Montfort Students' Union (DSU).

The University reserves the right to invoke its general and/or other regulations and disciplinary procedures, including in cases where behaviour which causes concern is in contravention of The Disciplinary Code but is not directly attributable to a known medical condition or disability (see Chapter 2 of these Regulations).

1 Invoking the procedure

This regulation will be invoked in cases where the student has been offered, or has been advised to seek, specialist support, for example from the University's Mental Health Adviser or a counsellor from the Counselling and Personal Support Service or from an external agency such as their own general practitioner, and has refused to engage with the appropriate support mechanism or has failed to do so as soon as is practicable or has so engaged, and their behaviour continues to cause concern.

2 Reporting behavioural problems

Where a student demonstrates such behaviour, the PVC/Dean of the student's Faculty, the Student Appeals & Conduct Officer, the Director of Student & Academic Services or the Head of Security, as appropriate, should inform the designated senior member of staff in writing¹. Such a written report must demonstrate that every reasonable effort has been made to encourage the student to seek specialist support and that the student has either refused to seek appropriate support or has done so but their behaviour continues to cause concern.

When preparing such a report it must be borne in mind that written information provided to the designated senior member of staff will be shared with the student concerned.

¹ The reporting officer is advised to seek advice on whether to report a student and what his/her report should contain from the Director of Student & Academic Services.

If the report is made by the Director of Student & Academic Services, the Student Appeals & Conduct Officer or the Head of Security, then the PVC/Dean of the student's Faculty must be informed.

Where a student is enrolled on a programme leading directly to a professional qualification or the right to practise a particular profession or calling, the Faculty Fitness to Practise Lead should be informed that this procedure has been invoked.

3 Suspension

At any time, and in accordance with the General Regulations and Procedures Affecting Students, Chapter 2, Paragraph 14, the designated senior member of staff may suspend the student pending the outcome of proceedings under either this regulation or any other University regulation(s) subsequently invoked, if he/she believes it is in the best interests of either the student or others to do so. The designated senior member of staff may therefore suspend a student who does not agree to this procedure being invoked where, for example, he/she believes it would be in that student's own interests and/or in the interests of the wider University community to do so.

The designated senior member of staff may, upon the student giving a firm undertaking to fulfil a condition or conditions, lift or withhold the imposition of a suspension for so long as the student fulfils the condition or conditions.

4 Preliminary Meeting

The designated senior member of staff, or his/her duly authorised nominee, shall meet with the student to obtain his/her consent to this regulation being invoked. The student shall normally be given at least seven days notice of the meeting in writing (or alternative format as appropriate). The meeting may be arranged sooner if the designated senior member of staff deems it necessary or with the agreement of the student.

The student may be accompanied to this and all subsequent meetings by a representative (as defined in the Glossary prefixed to the General Regulations and Procedures Affecting Students).

4.1 At the meeting the designated senior member of staff, or his/her duly authorised nominee, will explain the procedures under this regulation to the student. The meeting is intended to make the process clear to the student to inform their consent, not to discuss in any detail the student's behaviour which has given cause for concern. However, in order that the student may give informed consent the designated senior member of staff will share the report with the student at this meeting.

4.2 At the meeting the designated senior member of staff, or his/her duly authorised nominee, will seek the student's written consent to this regulation being invoked in his/her case, using the form provided². The consent of the student should not be unreasonably withheld. The University reserves the right to suspend a student who withholds his/her consent.

² This form is available from the Student & Academic Services and includes the student's consent to the sharing of sensitive personal data within the context of this procedure.

- 4.3 In giving his/her consent the student accepts that sensitive personal information may be discussed at this and any subsequent meeting(s) held in accordance with this regulation and/or any subsequent disciplinary procedure and consents to such discussions occurring in the presence of any individuals it is agreed, or decided by the designated senior member of staff, should be present. The student also accepts that a record will be made of such discussions and kept by the PVC/Dean of the relevant Faculty. The record will be held in confidence by the PVC/Dean, separate from the student's academic file and in compliance with the University's regulations and practice. A note will be placed in the academic file that the PVC/Dean holds further information.
- 4.4 The designated senior member of staff, or his/her duly authorised nominee, and the student shall use every effort to agree the identity of a relevant professional individual or organisation who will prepare a report of recommendations to be used in a case conference to be convened by the designated senior member of staff (see paragraph 5 below).
- 4.5 Where agreement on the identity of a relevant professional individual or organisation to prepare a report cannot be reached, with the student's consent, the University will seek guidance, within 14 days of this meeting, either from the student's own general practitioner or from a general practitioner at the Student Health Centre. Such guidance at this stage will be limited to identifying a professional individual or organisation to prepare the required report. The consent of the student should not be unreasonably withheld.
- 4.6 The designated senior member of staff, or his/her duly authorised nominee, in consultation with and, if possible, the agreement of, the student shall instruct the professional individual or organisation identified in paragraphs 4.4 and 4.5 above to prepare a report of recommendations. The student will receive a copy of these written instructions, whether or not the student has agreed to them.

5 Action by the Designated Senior Member of Staff

Upon receipt of the report from the professional individual or organisation identified in paragraph 4.4 above, the designated senior member of staff shall convene a meeting to consider the student's case. A copy of the report will normally be sent to the student within three working days of receipt by the designated senior member of staff and the meeting should normally take place within 14 days of the report being sent to the student.

If, however, the author of the report is of the opinion that the student having sight of the report prior to any further meetings would be detrimental to the health or welfare of the student or others, the designated senior member of staff may suspend the procedure whilst seeking further guidance from the author of the report or any other person or organisation they recommend. In these circumstances the student will be notified in writing that the procedure is suspended.

- 5.1 The following will be present at the meeting convened by the designated senior member of staff:

A Case Team consisting of:

- The designated senior member of staff (leading the meeting).

- A member of academic staff who knows the student, for example the student's mentor, Head of Studies or supervisor.
- A member of Student & Academic Services staff with relevant experience, for example the Mental Health Inclusion Manager, a disability officer or a counsellor.

Also present:

- The student.
- If the student so wishes, his/her representative (as defined in the Glossary prefixed to the General Regulations and Procedures Affecting Students), who may speak on the student's behalf. If the student wishes to exercise this right s/he shall inform the designated senior member of staff in advance of the meeting, in writing, at least three clear working days before the meeting.
- A note-taker.

5.2 In attending the meeting the student accepts that sensitive personal information may be discussed at this and any subsequent meeting(s) and consents to such discussions occurring in the presence of any individuals it is agreed, or decided by the designated senior member of staff, should be present. The student also accepts that a record will be made of such discussions and kept by the PVC/Dean of the relevant Faculty. The record will be held in confidence by the PVC/Dean, separate from the student's academic file and in compliance with the University's regulations and practice. A note will be placed in the academic file that the PVC/Dean holds further information.

5.3 As this provision is intended to help students, the meeting should as far as possible be conducted in a safe and supportive manner. Conduct of such a meeting is not therefore prescribed but the following elements should be allowed:

5.3.1 The student may present evidence either before or during the meeting. Where such evidence is written, a copy should be lodged with the designated senior member of staff at least three clear working days before the meeting.

5.3.2 The student shall have the opportunity of asking questions of any of the individuals present at the meeting. Similarly, any of the other individuals present shall have the opportunity of asking questions of the student and his/her representative (if present).

5.3.3 The designated senior member of staff may adjourn the meeting to seek further third party evidence, for example from an occupational health specialist, where either he/she deems it necessary or where all parties in attendance agree such evidence should be taken. Where possible the adjournment will take place upon terms agreed by all parties. The period of adjournment should be kept to a minimum and should not normally last beyond, at most, 21 days.

5.3.4 The designated senior member of staff shall ensure that a full record of the meeting, including any written evidence received, shall be made.

This record shall be lodged with the PVC/Dean of the relevant Faculty within 14 days of the meeting. The record will be held in confidence by the PVC/Dean, separate from the student's academic file and in compliance with the University's regulations and practice. A note will be placed in the academic file that the PVC/Dean holds further information.

5.3.5 The Case Team shall make a decision as quickly as possible, and in any event, within seven days after hearing all of the evidence (see paragraph 6 below for possible outcomes). The student will be informed of the decision in writing by letter (or alternative format as appropriate) sent to his/her last recorded address, or any other postal address the student has stipulated such correspondence may be sent to, within seven days of the decision being made.

5.3.6 The designated senior member of staff shall inform the Dean of the student's faculty, and any other individuals he/she deems it necessary should know, of the decision within seven days of the decision being made.

5.4 Student unable to attend

In the event that the student feels unable to attend the meeting as arranged due to a medical condition, the University will make every reasonable effort to enable the meeting to take place, for example by moving the meeting to a time or location with which the student feels comfortable.

Alternatively, the student may ask the Case Team to consider the case in their absence on the basis of written reports which may include a written statement from the student or his/her representative.

If, despite the University's best endeavours, the student feels unable to attend a Case Team meeting the meeting may take place in their absence.

6 Outcomes

The Case Team shall have discretion to make any decision appropriate to the circumstances and consistent with ensuring the safety and wellbeing of the student, other members of the University and the public. Where possible the decision should be made with the student's agreement. Such decisions may include accepting in full or in part, or rejecting the recommendations of the professional individual or organisation instructed to prepare the report of recommendations. Without in any way limiting their discretion, such decisions may include:

6.1 Suspension (or continued suspension) of the student for a fixed term, if appropriate referring the student for specialist assistance.

6.2 Suspension (or continued suspension) of the student for an unspecified period of time, pending medical or third party evidence of fitness to resume studies.

6.3 Resumption of studies, subject to any conditions which the Case Team may wish to impose.

6.4 Termination from the programme and possible transfer to a different programme, subject to any conditions which the Case Team may wish to impose and provided also that:

- 6.4.1 The student's behaviour would not render them unfit for admission to and/or to practise a profession or calling to which the new programme directly leads.
 - 6.4.2 The student meets the normal entry requirements for the new programme and/or meets any other appropriate academic requirements for entry to the new programme.
 - 6.4.3 There is a place available on the new programme.
 - 6.4.4 The student is accepted as a suitable candidate by the Faculty for the new programme.
- 6.5 Referral for disciplinary investigation. Where there is no evidence to suggest that the behaviour giving cause for concern is due to a medical condition, mental illness or disability, the University reserves the right to refer the case for disciplinary investigation in accordance with Chapter 2 of these General Regulations. The University reserves the right to continue to suspend the student pending the outcome of the investigation and any subsequent disciplinary hearing, in accordance with Chapter 2, Paragraph 2 of these General Regulations.
- 6.6 Where a student is enrolled on a programme leading directly to a professional qualification or the right to practise a particular profession or calling, the University reserves the right to refer the case to the Faculty Fitness to Practise Lead for further investigations if deemed necessary.
- 6.7 A review of the decision by the Case Team after a specified period of time.

7 Appeals

The student may appeal against the decision of the Case Team by making written representation to the Vice-Chancellor, normally within 14 days of the date on which the outcome of the Case Team meeting was posted, or otherwise communicated to them. The Vice-Chancellor's decision shall be final and not subject to review by any other University body.