



Fitness to Study Policy

1. Context

Trinity College Dublin, the University of Dublin, hereinafter “Trinity” or “the university”¹, has adopted this Fitness to Study Policy pursuant to the Chapter on Student Conduct and Capacity in the 2010 Consolidated Statutes of Trinity College Dublin and of the University of Dublin (“the 2010 Statutes”), and to that Chapter’s attendant Schedules, especially the Schedule on the Committee on Student Conduct and Capacity (Schedule 1) and the Schedule on Fitness to Study (Schedule 4).

In particular, this Policy is provided for in section 2(1)-(2) of Schedule 4. As this policy is made pursuant to the 2010 Statutes, in cases of conflict or inconsistency between this policy on one hand, and the 2010 Statutes on the other, the latter will prevail.

2. Purpose

The primary purpose of this policy is to give further effect to Schedule 4 to the Chapter on Student Conduct and Capacity, by providing a framework within which to effectively manage fitness to study issues which may arise during a student’s programme of study including, where possible, supporting a student to continue, or to resume their programme of study.

The policy sets out how the university may respond in instances where a concern is raised regarding a student’s fitness to study and the types of action that may be taken to manage such instances, with due regard to the university’s equal duty to act in the best interests both of the student in question and of other students and staff.

3. Benefits

This Policy provides a structured and transparent procedure for the university to deal with cases where there are concerns about a student’s fitness to engage with university life. It identifies:

- i. levels of engagement with the Policy,
- ii. roles and responsibilities,
- iii. timeframes, and
- iv. student representation.

4. Scope

- 4.1. This Policy applies to matters relating to undergraduate, postgraduate or visiting students where a concern is raised relating to their behaviour, capacity, welfare or wellbeing, or where a students’ behaviour or actions are impacting adversely upon, or may pose a risk to, themselves or others.

¹ In the modern era, for most practical purposes, references to both ‘Trinity College Dublin’ and ‘The University of Dublin’ are references to the same institution. However, for historical reasons, the 2010 Statutes refer to ‘College’ and ‘the University’ separately. For the purposes of interpreting this policy therefore, references in this document to ‘Trinity’ and ‘the university’ shall be taken to have the same meaning as either or both ‘College’ and ‘the University’ have in the relevant Chapter and attendant schedules in the 2010 Statutes.



- 4.2. For the avoidance of doubt, the term “Fitness to Study” includes but is not restricted to students’ academic activity; rather it applies to students’ fitness to perform activities associated with attending, participating, and where relevant, residing in Trinity. The full definition is set out in section 6 of this Policy.
- 4.3 Pursuant to the Chapter, fitness to study matters should normally be dealt with under Schedule 4 (on Fitness to Study) to the Chapter. Nevertheless, as provided for by the Chapter, separate aspects of a case may be dealt with pursuant to separate Schedules, including Schedule 2 on Discipline, Schedule 3 on Mental Health, and Schedule 5 on Fitness to Practise.
- 4.4. In particular, this Policy does not replace or negate the requirements of some programmes of study to also have a Fitness to Practise Policy, made pursuant to Schedule 5 to the Chapter. In those programmes, both policies will apply, and section 7(1) of the Chapter, section 2 of Schedule 1, section 2(4)(d) of Schedule 2, and sections 7.10 and 7.11 of this Policy, provide guidance on how concerns relating both to fitness to study and fitness to practise, may be dealt with.

5. Principles

- 5.1 Trinity is committed to supporting and responding to student needs in a sensitive manner, which welcomes diversity and respects the dignity of all persons.
- 5.2 Trinity seeks to ensure a positive student experience by promoting equal opportunities for students to develop their full potential, including, in so far as is possible, where fitness to study concerns arise. Hence, where concerns relating to a student’s discipline, health, mental health, and/or fitness to practise also raise concerns relating to fitness to study as it is defined in this Policy, or vice versa, then, in so far as it is possible to do so, this Policy should be used to respond to and manage the concerns relating to the student’s fitness to study. Section 7(1) of the Chapter, section 2 of Schedule 1, section 2(4)(d) of Schedule 4, and sections 7.10 and 7.11 of this Policy, provide guidance on how concerns relating to more than one of a student’s discipline, health, mental health, fitness to study and/or fitness to practise, may be dealt with.
- 5.3 Actions and decisions taken under this policy shall be made pursuant to the Chapter and its attendant Schedules. In particular, Section 8 of the Chapter states:
- (1) *“Any person or body taking decisions pursuant to this Chapter and attendant Schedules 1 shall seek to act in the best interests both of any and every student concerned and of every other member of the College Community.*
 - (2) *In particular, such a decision-maker should*
 - (a) *consider first whether concern and support are more in the best interests of a student concerned than proceeding pursuant to one of the Schedules;*
 - (b) *act with sensitivity and understanding in cases of student mental ill-health; and*
 - (c) *take into account the level and types of support already in place, if any, in cases relating to students with disabilities”.*
- 5.4 That section is given further effect by sections 3 and 4 of Schedule 1.
- 5.5 That policy should be read in conjunction with the Guidelines for the Fitness to Study Policy included as an appendix to this policy..



6. Definitions

The following terms are used in this policy:

Fitness to Study: pursuant to section 1(b) of Schedule 4, the concept of students' fitness to study "includes but is not restricted to students' academic activity; rather this Policy applies to students' fitness to perform activities associated with attending and participating in College; this includes students' ability to function in College, to perform activities associated with attending College, to proceed with their courses of study (including placements), and to participate in their courses (including placements) to the standards required by the College."² **Relevant Person:** The Relevant Person is the person who first receives a Notice of Concern relating to a student. The Relevant Person will be one of the following, as appropriate: the Course or Programme Director, the Head of School, the Director of Teaching & Learning (Undergraduate), Director of Teaching & Learning (Postgraduate), the persons mentioned in section 3 to Schedule 2 to the Chapter,³ or Other College Officers, where appropriate. For the avoidance of doubt, the Relevant Person will not be the Dean of Students, the Senior Lecturer/Dean of Undergraduate Studies, or the Dean of Graduate Studies. The Relevant Person resolves matters at Level 1 and can refer cases to Level 2. A student may appeal a decision of a Relevant Person to Level 2.

Decision Maker: The Decision Makers defined in section 1(2) of Schedule 4 are the Decision Makers for the purposes of this Policy.⁴ A Decision Maker resolves matters at Level 2 and can refer cases to Level 3. A student may appeal a decision of a Decision Maker to Level 3 pursuant to section 7(2)(b) of Schedule 1.

The Committee : The Committee on Student Conduct and Capacity, established in section 1(2) of the Chapter and given further effect by Schedule 1, shall be described as The Committee.

Fitness to Study Advisory Group: The Advisory Group to the Dean of Students, established in section 2(8) of Schedule 1, shall be described as the Fitness to Study Advisory Group (or the FTS Advisory Group) for the purposes of this Policy; it will provide professional advice to the Relevant Person, Decision Maker and The Committee; its Terms of Reference are set out as an appendix to this policy.

Notice of Concern: This is the document or correspondence used by a member of the university community to notify the Relevant Person (or a Decision Maker or The Committee, as the case may be), of a suspected Fitness to Study issue. Usually, a Notice of Concern states the details of the student in question, describes the nature of the concern and provides a brief factual description of the concern, as well as the details of the person submitting the Notice. A Notice of Concern may also contain comments or observations made by other staff. The university shall make a template document available for this purpose, but nothing in this policy shall invalidate a notice made or submitted using another format.

Letter of Certification: This is a letter from an external independent medical practitioner addressing a student's fitness to study as defined in this section. It addresses any specific competencies required by the student's course of study and/or other activities. A template for this letter is provided by the university.

² Schedules 1-5 of the Chapter on Student Conduct and Capacity cover the Committee on Student Conduct and Capacity

³ Schedule 1 to the Chapter relates to Student Discipline; section 3 of that Schedule refers to the Junior Dean, the Warden of Trinity Hall, the Librarian and College Archivist, and the Director of IT Services

⁴ Schedule 4 relates to Fitness to Study; section 1(2) of that Schedule provides that "... the Decision Makers' shall be:"

(a) in relation to undergraduate students, the Senior Lecturer, and (b) in relation to postgraduate students, the Dean of Graduate Studies."



7. Policy

7.1. This Policy sets out:

- (i) how Trinity may respond to instances where a concern is raised regarding a student's fitness to study, including potential fitness to study, and
- (ii) the type of action that may be taken to manage the matter and support the student.

7.2. While Trinity endeavours to treat concerns regarding a student's fitness to study with sensitivity and understanding, in exceptional cases a student

- (i) may be suspended pursuant to section 9 of Schedule 1, and
- (ii) may be expelled from the University and College pursuant to section 2(4)(b).

7.3. Where a student withdraws temporarily from a course of study and/or goes off-books and/or is suspended, the university may, as appropriate endeavour to assist the student in a return to study subject to any certification requirements and the Certification Section shall apply.

7.4. Where a student has a disability, the provisions of section 4 of Schedule 1 shall apply.

7.5. This policy has three levels of action:

Level 1, where decisions are made by a Relevant Person pursuant to section 8.1 of this Policy;
Level 2, where decisions are made by a Decision Maker pursuant to section 8.2 of this Policy; and
Level 3, where decisions are made by The Committee pursuant to section 8.3 of this Policy.

7.6. At Level 1, students may be represented and supported by their tutor; at Levels 2 and 3, students may be represented and supported by their tutor or other person of their choice.⁵

7.7. For all Levels, a Relevant Person, a Decision Maker, or The Committee, may seek the advice of the FTS Advisory Group. These requests should be made to the Dean of Students via a dedicated Fitness to Study email address.

7.8. Matters dealt with under this Policy will be dealt with according to the individual circumstances. Whilst Trinity anticipates that such cases will be exceptional, it reserves the right at Levels 1 and 2 of this Policy to vary the process it follows in dealing with a matter in the interests of fairness and/or health and safety.

7.9. Where a Relevant Person, a Decision Maker, or The Committee, considers that concern and support are more in the student's best interests than continuing a matter pursuant to this Policy, then that Relevant Person, Decision Maker, or The Committee (as the case may be) may adjourn the matter pursuant to section 3 of Schedule 1.

7.10. Where, in the opinion of a Relevant Person or a Decision Maker, a matter which commenced under this Policy raises issues relevant to more than one Schedule to the Chapter, then that Relevant Person or Decision Maker (as the case may be) shall inform the Dean of Students; and, pursuant to section 7(1) of the Chapter, section 2 of Schedule 1, and section 2(4)(d) of Schedule 4, the Dean of Students shall co-ordinate the distribution of those issues among the Schedules.

⁵ Pursuant to section 1(1)(d) of Schedule 1, references to a student's tutor shall, in the case of a postgraduate student, include the Postgraduate Student Support Officer or a postgraduate advisor



- 7.11. If appropriate, where a matter has been brought to the attention of the Dean of Students under section 7.10, the Dean of Students may refer a case under this Policy directly to Level 2 or Level 3 without any requirement for an earlier level to have been commenced or exhausted. The level to which the Dean of Students decides to refer a case under this Policy will depend on factors such as the nature of the concern, the seriousness of any risk posed, the student's perception of his/her own behaviour and its implications, and the response of the student to any steps taken by College to manage the situation. A reference of a case under this Policy directly to Level 2 or Level 3 shall be without prejudice to the appropriate level at which the case may be dealt with under another Schedule.
- 7.12. Reference in this Policy to any named College role is to be read as including reference to nominees and/or pro-Officers.
- 7.13. Pursuant to section 6(1) of Schedule 1, unless The Committee decides otherwise, any decision being appealed to it will retain full force and effect during the currency of any appeal.
- 7.14. At all Levels of the procedures under this Policy, the student shall have the right of access to all evidence or information being considered by a Relevant Person, a Decision Maker, or The Committee as the case may be⁶. However, at Level 1 and Level 2, the Relevant Person or Decision Maker, may decide not to provide such access to the student where a medical professional advises that the release of information would adversely affect the student or increase risk to others. In such cases, the information could be released to a named clinician such as a GP, psychiatrist or psychologist. This section is without prejudice to the student's right to access information pursuant to Freedom of Information legislation or the student's right to make a subject access request pursuant to Data Protection legislation.
- 7.15. If the student fails or refuses to engage with the procedure provided for herein, Trinity will continue with the procedure.
- 7.16. If appropriate, efforts should be made to deal with fitness to study concerns locally and in an informal manner prior to invoking the Fitness to Study Policy.

8. Procedures

This Policy is invoked when the Relevant Person (or a Decision Maker or The Committee, as the case may be) receives a Notice of Concern.

The procedure is in three sections, aligned with the Policy:

Level 1: Action Plan and Resolve with a Relevant Person (section 8.1)

Level 2: Refer to a Decision Maker (section 8.2)

Level 3: Refer to The Committee on Student Conduct and Capacity (section 8.3)

High Risk cases will be dealt with pursuant to section 8.4 of this Policy.

8.1. Level 1 "Action Plan and Resolve with a Relevant Person"

- 8.1.1 The student will be notified by the Relevant Person of the nature of the concerns expressed.

⁶ For this right at Level 3, see section 6(4) of Schedule 1.



- 8.1.2 The Relevant Person will attempt to resolve the matter by informal discussions with the student, at which the student's tutor⁷ may also be present, as the student wishes.
- 8.1.3 The Relevant Person may seek input from the FTS Advisory Group by making a request to the Dean of Students.
- 8.1.4 The informal discussions with the student will include encouragement of the use of either the College's and/or other support services/interventions. Any suitable reasonable accommodations will also be considered during these discussions.
- 8.1.5 The purpose of these discussions will be to resolve any issues by reaching agreement with the student on agreed actions which will normally include an agreed timeframe and a review period. The Relevant Person may take such action as is appropriate in all the circumstances, including, but not limited to, one or more of the following:
 - (i) put in place support arrangements; and/or
 - (ii) make reasonable accommodations for the student in line with the Reasonable Accommodation Policy, in the case of a student with a disability and/or
 - (iii) require the student to provide a letter of certification and if the student fails and/or refuses to comply, the Certification Section⁸ will apply; and/or
 - (iv) draw up an action plan with the agreement of the student on agreed actions which will normally include an agreed timeframe and a review period; and/or
 - (v) allow the student to continue with his/her studies.

The student and his/her tutor will be notified in writing of the outcomes by the Relevant Person within ten days of the decision being made.⁹

8.2. Level 2 "Refer to a Decision Maker"

- 8.2.1 Level 2 of the procedure involves escalation to a Decision Maker and will be invoked in circumstances where:
 - (i) agreement/resolution cannot be achieved at Level 1; and/or
 - (ii) the student refuses and/or fails to engage with the Level 1 procedure; and/or
 - (iii) the student refuses and/or fails to engage with the agreed actions under the Level 1 procedure; and/or
 - (iv) the Relevant Person continues to have concerns; and/or
 - (v) it is more appropriate in the circumstances; and/or
 - (vi) the student wishes to appeal the outcome of the Level 1 procedure.
- 8.2.2 In any of the circumstances outlined in section 8.2.1 the issue will be formally referred by the Relevant Person to the Decision Maker, and the Relevant Person will inform the student in writing that the matter is being referred to Level 2.

⁷ Pursuant to section 1(1)(d) of Schedule 1, references to a student's tutor shall, in the case of a postgraduate student, include the Postgraduate Student Support Officer or a postgraduate advisor

⁸ This is section 10 of Schedule 1

⁹ "Day" is defined in section 1(1)(b) of Schedule 1.



- 8.2.3 The Decision Maker will consider all the relevant information and documentation, which will include input from the student (if any) and can include *inter alia* input from the FTS Advisory Group. Should the student wish to make an oral submission to the Decision Maker, they may do so but must be accompanied by their tutor or any member of student services they are accessing. The Decision Maker will have administrative support present. The student must make themselves available for this meeting which will occur within a reasonable time frame. If they do not attend, the process will proceed in their absence.
- 8.2.4 The Decision Maker will make a decision within a reasonable time of referral from the Relevant Person, subject to all relevant information being available.
- 8.2.5 The student and his/her tutor will be notified in writing of the agreed actions by the Decision Maker within ten days of the decision being made.
- 8.2.6 The Decision Maker may take such action as is appropriate in all the circumstances, including, but not limited to, one or more of the following:
- (i) put in place support arrangements; and/or
 - (ii) make reasonable accommodations for the student in line with the Reasonable Accommodation Policy; and/or
 - (iii) require the student to provide a letter of certification and if the student fails and/or refuses to comply, the Certification Section¹⁰ will apply; and/or
 - (iv) draw up an action plan with the agreement of the student on agreed actions which will normally include an agreed timeframe and a review period; and /or
 - (v) allow the student to continue with his/her studies.
- 8.2.7 Where the student has complied with the requirement to submit a letter of certification but the Decision Maker has or continues to have serious concerns which are not allayed by the letter of certification, the Decision Maker shall consult with the Director of the Health Service and/or of the Student Counselling Service for their professional advice and may:
- (i) allow the student to continue with his/her studies; and/or
 - (ii) seek a further assessment, and the Assessment Section¹¹ shall apply; and/or
 - (iii) impose such conditions on admission, readmission or accommodation as are appropriate in the circumstances; and/or
 - (iv) decide to suspend the student or to continue a suspension and the Suspension Section¹² shall apply; and/or
 - (v) refer the matter to Level 3 of the Formal Procedure.
- 8.2.8 Where a student wishes to return to study, s/he must submit a letter of certification to the Decision Maker, and the Certification Section¹³ shall apply.

¹⁰ This is section 10 of Schedule 1

¹¹ This is section 11 of Schedule 1

¹² This is section 9 of Schedule 1

¹³ This is section 10 of Schedule 1



- 8.2.9 The student and his/her tutor will be notified in writing of the agreed actions by the Decision Maker within ten days of the decision being made.
- 8.2.10 If the student's status in the university is changed during the Level 2 procedures or as an outcome of the Level 2 procedure, the Academic Registry will be notified by the Decision Maker.

8.3. Level 3 "Refer to The Committee on Student Conduct and Capacity"

- 8.3.1 Level 3 of the procedure involves referral to The Committee on Student Conduct and Capacity (The Committee) and will be invoked in circumstances where;
- (i) agreement/resolution cannot be achieved at Level 2; and/or
 - (ii) the student refuses and/or fails to engage with Level 2; and/or
 - (iii) the student refuses and/or fails to engage with the agreed Level 2 actions; and/or
 - (iv) the Decision Maker continues to have concerns; and/or
 - (v) it is more appropriate in the circumstances; and/or
 - (vi) student wishes to make representations in relation to the decision of the Decision Maker.¹⁴
- 8.3.2 In any of the circumstances outlined in section 8.3.1, the issue will be formally referred by the Decision Maker to The Committee and the Decision Maker will inform the student in writing that the matter is being referred to Level 3.
- 8.3.3 A level 3 referral may be made by the following personnel based on the circumstances of the specific case as follows:

Reason for Referral	Case referred to Level 3 by
1. Agreement/resolution cannot be achieved at Level 2.	The Relevant Person and/or the Decision Maker.
2. The student refuses and/or fails to engage with Level 2.	The Relevant Person and/or The Decision Maker.
3. The student refuses and/or fails to engage with the agreed actions at Level 2.	The Relevant Person and/or The Decision Maker.
4. The Decision Maker continues to have concerns.	The Decision Maker.
5. It is more appropriate in the circumstances.	The Dean of Students.
6. The student wishes to make representations in relation to the decision of the Decision Maker.	The Student.

¹⁴ A student may appeal a decision of a Decision Maker to Level 3 pursuant to section 7(2)(b) of Schedule 1.



- 8.3.4 The procedures of The Committee are set out in section 6 of Schedule 1.
- 8.3.5 The Committee will make a determination within a reasonable time of the case being referred to it.
- 8.3.6 The Committee will consider all the relevant information and documentation and can include, inter alia, input from the FTS Advisory Group and will include input from the student (if any). Students must make themselves available for hearings concerning them; such hearings will occur within the prescribed time frame. If students do not attend, the hearing will proceed in their absence. The Committee may request the input of such persons as it deems necessary to establish and consider the facts of each case.
- 8.3.7 The Committee may take such action as is appropriate in all the circumstances, including, but not limited to one or more of the following:
- (i) allow the student to continue with his/her studies; and/or
 - (ii) put in place support arrangements; and/or
 - (iii) make reasonable accommodations for the student in line with the Reasonable Accommodation Policy; and/or
 - (iv) require the student to provide a letter of certification and if the student fails or refuses to comply, the Certification Section¹⁵ will apply; and/or
 - (v) draw up an action plan which will normally include a timeframe and review period; and/or
 - (vi) impose a penalty upon the student, pursuant to section 7(7) of Schedule 1 and section 8 of Schedule 2 (for the purposes of section 2(4)(b) of Schedule 4, note that this penalty may include “expulsion from the University and College”). The student and his/her tutor will be notified in writing of the decision of The Committee by the secretariat within 10 days of the decision being made.
- 8.3.8 The Decisions of The Committee will be advised to Board of the College on an anonymised basis for noting and approval.
- 8.3.9 An appeal from this decision of Board lies to the Visitors pursuant to the Chapter of the Statutes relating to the Visitors.
- 8.3.10 Where the student has complied with the requirement to submit a letter of certification, but The Committee has or continues to have serious concerns which are not allayed by the letter of certification, The Committee shall consult with the Director of the Health Service and/or of the Student Counselling service and may then:
- (i) allow the student to continue with his/her studies; and/or
 - (ii) seek a further assessment, and the Assessment Section¹⁶ shall apply; and/or

¹⁵ This is section 10 of Schedule 1

¹⁶ This is section 11 of Schedule 1



- (iii) impose such conditions on admission, readmission or accommodation as are appropriate in the circumstances; and/or
 - (iv) decide to suspend the student or to continue a suspension and the Suspension Section¹⁷ shall apply; and/or hold another hearing to impose a penalty upon the student, pursuant to section 7(7) of Schedule 1 and section 8 of Schedule 2 (for the purposes of section 2(4)(b) of Schedule 4, note that this penalty may include “expulsion from the University and College”).
- 8.3.11 Where a student wishes to return to study, s/he must submit a letter of certification to The Committee who will consult with the Director of the Health Service and/or the Director of the Counselling Service, and the Certification Section¹⁸ shall apply.
- 8.3.12 Where the student refuses and/or fails to engage with the agreed actions under the Level 3 procedures, and/or The Committee continues to have concerns, then the FTS Panel may either
- (i) hold another hearing to impose a penalty upon the student, pursuant to section 7(7) of Schedule 1 and section 8 of Schedule 2 (for the purposes of section 2(4)(b) of Schedule 4, note that this penalty may include “expulsion from the University and College”), or
 - (ii) refer the matter to the Junior Dean pursuant to section 2 of Schedule 2, and that Schedule (on Discipline) shall apply.
- 8.3.13 If the student’s status in the university is changed during the Level 3 procedures or as an outcome of the Level 3 procedure, the Academic Registry will be notified by the secretary to The Committee.

8.4. High Risk Cases

- 8.4.1 This section applies where a Relevant Person or Decision Maker is concerned as to the state of the student’s mental health, and in particular is concerned that the student poses a significant risk to his/her own health, safety and/or wellbeing and/or that of others.
- 8.4.2 Where subsection 8.4.1 applies, and the Relevant Person or Decision Maker considers that the matter should be dealt with pursuant to Schedule 3, then the Relevant Person or Decision Maker (as the case may be) may refer the matter directly to the Junior Dean under Section 2 of Schedule 3.
- 8.4.3 Where subsection 8.4.1 applies, and the Relevant Person or Decision Maker considers that the matter should be dealt with pursuant both to this Policy and to Schedule 3, then the Relevant Person or Decision Maker (as the case may be) shall refer the matter to the Dean of Students pursuant to section 7.10 of this Policy.

9. Responsibility and Implementation

Responsibility for the operation and review of this Policy lies with the Dean of Students.

¹⁷ This is section 9 of Schedule 1

¹⁸ This is section 10 of Schedule 1



10. Related Documents

The 2010 Consolidated Statutes of Trinity College Dublin and of the University of Dublin, and:

Alcohol Policy

Fitness to Practise Policy

Mental Health Policy

Misuse of Drugs Policy

Reasonable Accommodations Policy

11. Document Control for Revised Policies

11.1 Date of initial approval: 3 October 2018

11.2 Date revised policy approved: 5 June 2024 (University Council)

11.3 Date policy effective from: 5 June 2024

11.4 Date of next review: Academic Year 2027-28