

Procedures for Requiring a Student to Withdraw Temporarily or Permanently from the University on the Grounds of Health and Safety

1. Statement of Policy

1.1 In circumstances where there is serious concern about an individual's physical and/or mental welfare, the University will take all reasonable steps to provide help and support to the student. In some exceptional circumstances, however, it may be inappropriate to allow a student to continue with his/her studies, and the University has the right to require the individual to withdraw on the grounds of health and safety. The University's approach in all matters where there is a question of continuing attendance at the University through behaviour, performance or health is to be thoughtful, measured and supportive. Concerns surrounding the health and safety of other students and staff are also central to the decision-making process.

1.2 This process is intended to allow for every opportunity to resolve difficulties by negotiation. It is expected that a decision to require a student to withdraw will be exceptional. It is expected also that the individual will be encouraged at every stage to make use of specialist support services (Counselling, RC tutors and Mental Health Advisers (MHA) available within the University.

1.3 Where it is alleged that the student has committed an offence against the Code of Discipline for Students, the matter will normally be dealt with through the disciplinary procedures.

1.4 Where there are concerns about a student and the difficulties have not been resolved within the student's School/Department, and the matter cannot appropriately be dealt with as a disciplinary matter, the Dean of the relevant faculties or the Director of the Centre for English Language Education (CELE) may make a recommendation that a student be required to withdraw, either temporarily or permanently, from the University, or from some part of it. The Dean may draw upon such professional/specialist advice as necessary in making a recommendation. The recommendation will be presented to the Escalation Committee (see Section 3).

1.5 The Provost, Vice Provost, the faculty Deans and Director of CELE have the right and the power to suspend or exclude any student from any part of the University immediately, pending a decision by the Escalation Committee.



2. Procedure

2.1 If a School/Department has serious concerns about an individual student's health or safety should in the first instance discuss the difficulties with the student. (At any point in this process the personal tutor or other member of staff may seek

advice and guidance from the Director of Residential College, Mental Health Advisers or the University Counselling Service, including advice on personal matters the student has given consent for him/her to discuss, and advice on referrals to University services.) The concerns should be clearly identified and appropriate support offered if possible. The content and outcome of the meeting should be recorded and the record retained by the School/Department for the duration of the student's course.

2.2 If the situation is not resolved satisfactorily by this discussion, a further meeting may be convened with the student involving the Head of School or Head of UG/PG/PGR Programme or Director of CELE (or his/her nominee). The content and outcome of the meeting should be recorded and the record retained by the School/Department for the duration of the student's course.

2.3 If the situation remains unresolved, the matter should be referred to the Dean (and the Deputy Party Secretary notified). On receipt of a report from the Head of School or Head of UG/PG/PGR Programme detailing any steps taken in paras 1 and 2 above and setting out the circumstances of the case (including matters occurring since the meeting in para 2 above), if the Dean is satisfied that a prima facie case exists for the student to be required to withdraw from the University, the case will be referred by him/her for consideration to the Escalation Committee and/or (in the case of a recommendation for immediate suspension or exclusion) exercise his/her power to suspend or exclude the student immediately, pending a decision of the Special Escalation Committee. In cases of urgency, the Provost, Vice Provost and the Deans may act notwithstanding that some or all of the steps under paras 1 to 3 have not been taken. The parents will be notified by the Escalation Committee prior to the meeting with the Dean.

2.4 Where concerns about an individual student arise elsewhere than in a School/Department, the Director of Residential College, the Director of Health and Safety Office or another member of the University staff concerned should make a report to the student's Head of School or Head of UG/PG/PGR Programme and the Deputy Party Secretary so that appropriate action may be taken in line with paras 1 to 3 above.

2.5 Where a decision is reached by the Deans, Director of Residential College, or the Director of Health and Safety Office to refer the case for consideration to the Escalation Committee, the committee chair will appoint a member of staff to act as Secretary to the Committee and will appoint an Investigating Officer to provide the

Committee with a written case supporting the recommendation to suspend or exclude the student.

2.6 The Committee will convene a formal hearing (see Section 4), at which the student has the right to be accompanied by a friend or adviser. Students with a disability may also be accompanied by a support worker (e.g. a sign language interpreter or mental health worker) as appropriate to their needs. All minutes will be documented by the committee secretary.

2.7 The student has the right not to attend a hearing. In all such circumstances, a representative of the student may attend on his/ her behalf to present his/her case.

2.8 The Committee may in its discretion conduct or conclude a hearing in the absence of the student or his/ her representative if, for example, the student fails to attend the hearing after all reasonable effort has been made to invite him/her to be present. In such circumstances, the Committee will take steps to ensure that the process continues in a fair manner.

2.9 Assessment from the UNNC appointed medical specialists (level in accordance to the MOE No 41 document requirements) is recommended prior to the hearing taking place.

3. Escalation Committee

3.1 The Escalation Committee is appointed by MB to deal with recommendations that a student should be required to withdraw either temporarily or permanently on grounds of health and safety.

3.2 The Committee consists of: Vice Provost for Teaching and Learning (Chair of the Committee), Deputy Party Secretary, Director of Residential College and the High Risk Register Manager.

3.3 If any members of the committee is personally involved in the individual cases, the Chair reserves the right to replace the members with new nominees from the University Management Team to ensure all decisions are arrived in an objective manner.

3.4 The members of the Committee will be selected to ensure that any persons who have had any direct connection with the case or with the student concerned are excluded.

3.5 The student may object to any member of the Committee chosen to hear his/her case on giving reasons for supposing that member not to be impartial. The

validity or otherwise of the objection will be determined by the Chair of the Committee. If a committee member is excluded following an objection, an additional member will be nominated by the Chair or the Students' Union, as appropriate.

3.6 The Committee reserves the right to seek specialist mental health advice when considering the case.

3.7 The Escalation Committee has the power to confirm or not to confirm a recommendation to require a student to withdraw temporarily or permanently from the University on the grounds of health and safety.

4. Formal Hearing Procedure

4.1 The Committee (with the Committee Secretary) will meet briefly in private to discuss procedure and ensure that there are no conflicts of interest. If the Committee is to hear oral testimony, the student, his/her representative, the Investigating Officer and any other University representative(s) with information relevant to the case will be asked to convene in a waiting area.

At the start of the meeting, the Chair will introduce everyone present, explain their roles and outline the procedure which will be followed. The Chair will also confirm that the student and/or his/her representative has received all of the documentation and, if not accompanied, was aware of his/her right to bring a representative and therefore had chosen to waive that right. The Chair should also confirm that the Investigating Officer has received any documentation submitted to the Committee by the student.

4.2 The Chair will invite the Investigating Officer to make a brief opening statement, and will then invite the Committee to ask questions. If other University representatives are present, they will be afforded the same opportunity to make a statement, and may themselves be questioned.

4.3 The Chair will invite the student or his/her representative to make a brief opening statement and will then invite the Committee to ask questions.

4.4 At each stage the Chair has discretion to allow reciprocal questioning by the various parties.

4.5 The Chair will ask the Investigating Officer and any other University representative(s), in turn, and finally the student (or the student's representative) if they wish to make any closing statement and if they are satisfied that they have had a full opportunity to explain their case to the Committee.

4.6 The student, his/her representative, the Investigating Officer and any other University representative(s) will withdraw while the Committee considers its decision.

4.7 The Committee will determine whether a student should be required to withdraw permanently, or temporarily until certain specified conditions have been met, or for a specified period (with or without a requirement to meet conditions). Any decision and the reasons thereof will be communicated to both the student and School/Department in writing within two working days.

4.8 In all cases, a record of the proceedings will be kept and the student provided with both electronic copy and hard copy, with a registered copy sent to the student's registered home address.

4.9 Any exclusion that is not on a permanent basis will be subject to periodic review in the light of developments and any written representations made by the student or anyone acting on their behalf. Such a review would include medical evidence from the individual's medical practitioner, and would also allow for assessment from the University's own appointed medical specialists. Any such representations should be made in writing to the Chair of Escalation Committee.

5. Appeal Procedure

5.1 A student may appeal in writing against the Committee's decision within seven working days of receipt of written confirmation of that decision. Any suspension or exclusion will remain in place for the duration of the appeal and for any further period during which the matter is under consideration by the Escalation Committee.

5.2 An appeal against a decision of the Escalation Committee will be to the Provost, who will appoint an Appeal Panel consisting of three members provided that no one who has had any part in the previous proceedings is a member. The accused may object to any member of the Appeal Panel chosen to hear his or her case by giving reasons for believing that that member may not be impartial. The chair of the Appeal Panel will rule on the objection. Decisions of the Appeal Panel will be by a majority of the members who vote.

5.3 An appeal against conviction is not an appeal by way of rehearing. Such an appeal may be made on the following grounds:

- i. That there was a procedural irregularity that resulted in unfairness to the student.
- ii. That the decision of the committee was manifestly unreasonable.
- iii. That there is fresh evidence or evidence which was for good cause not

presented to the Escalation Committee and which might reasonably have resulted in a different decision.

5.4 The Appeal Panel may disallow the appeal or refer the matter back to the Escalation Committee for further consideration.

5.5 Appeals will normally be dealt with in writing on the basis of the statements received from the appellant, together with statements of any witnesses and any other evidence. Where the appeal authority considers that it is necessary to take evidence in person, they may convene a hearing with the parties to the appeal in order to do so.

5.6 Appeal Decision and the reasons thereof will be communicated to the Appellant in writing within fifteen working days of receiving the Appeal.

5.7 If a student objects to the Appeal Decision, s/he may appeal to the Provincial Education Department within 15 working days upon receiving the Appeal Decision. The Provincial Education Department will respond to and process a student's appeal within 30 working days.

26 January 2018