

## Support to Study Code – Health, Wellbeing and Fitness to Study

### 1 Preamble

- 1.1. Auckland University of Technology (AUT or the University) is committed to supporting students and recognises the importance of a student's health and wellbeing in relation to their academic progression, wider University experience, and duty of care to comply with the Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021.
- 1.2. There may be occasions where the health, wellbeing and/or behaviour of a student deteriorates, causes concern, or the current support is not adequate, to an extent where it raises questions about their Fitness to Study. For example, the students:
  - (a) Capacity to participate safely and fully in their studies or work placements, including clinical placements;
  - (b) Ability to live safely in the University's accommodation;
  - (c) Ability to use the University services and/or facilities appropriately;
  - (d) Ability to interact with the University staff and students effectively;
  - (e) Ability to manage their academic workload effectively.
- 1.3. This Support to Study Code is a supportive procedure to be used when a student has disclosed or appears unable or unwilling to manage their health and wellbeing, or their behaviour is of such concern that the University has good cause to intervene.
- 1.4. It outlines the steps that the University will follow when concerns are raised about the Fitness to Study of one of its students.
- 1.5. It applies to all enrolled students, part time or full time, as well as students on placement or overseas. Throughout this document, the term 'student' will be used.
- 1.6. In the Support to Study Code, all references to the Deputy Vice Chancellor Academic, Group Director of Student Services and Administration, Student Conduct Manager, Student Relations Manager, Student Advising Manager, Student Relations team, and Primary Person (and other positions identified by title), include their nominee.
- 1.7. Any action taken under this Support to Study Code does not preclude other actions available to the University, including disciplinary action.
- 1.8. The University may continue to act in accordance with this Support to Study Code despite a student failing to or refusing to engage with any of the procedures set out below.
- 1.9. In some circumstances, students may be deemed too unwell to participate with the Support to Study Code. When a student's enrolment concludes, due to these concerns prior to commencing the Code process, the student may be advised in writing that any future return to study may be managed under, the Support to Study Code and any return to study settings outlined in this framework.
- 1.10. The student is entitled to bring a support person to any meeting with the University staff which takes place under the Support to Study Code.

- 1.11.** The student has the right to ask the University to reconsider a range of outcomes issued under the Support to Study Code or conditions within a Support Plan communicated to the student by the University. A student can appeal a suspension, withdrawal, or exclusion from the University.

## **2 Indicators**

- 2.1.** It is not possible to provide an exhaustive list of circumstances that may give rise to concerns about a student's Fitness to Study. However, circumstances may include:
- (a) Deterioration in a student's physical or mental health;
  - (b) Changes in a student's appearance or behaviour which suggests a deterioration in their mental or physical health;
  - (c) A pattern of behaviour or communication which appears irrational, inappropriate or extremely inconsistent;
  - (d) A pattern of unreasonable demands which appear irrational, inappropriate, or inconsistent;
  - (e) Behaviour which breaches the AUT Discipline Statute, and/or impacts negatively on the University staff and/or students or the delivery of the University services.
  - (f) An alert to the University by a member of the public raising a concern about a student.
- 2.2.** This Support to Study Code identifies three levels of intervention depending on the perceived level of risk to the health and wellbeing of the student or others. It is possible for a matter to begin at any level, progress through some or all of the levels, return to lower-level intervention, or be resolved.
- 2.3.** Concerns should be acted on promptly, as early intervention and support is likely to be in a student's best interest and reduce the potential for an issue to become more complex.
- 2.4.** Where there are concerns about serious or immediate risk to a student or others, the procedure for imposing an immediate suspension in accordance with Section 4 below should be considered in the first instance.

## **3 Procedure Level 1: Emerging or Low-Level Concern**

- 3.1.** Initial concerns regarding a student's Fitness to Study will normally be dealt with by the Student Relations team. Where an initial concern about a student's Fitness to Study meets the threshold for intervention under the Support to Study Code, a member of the Student Relations team will meet the student as soon as possible. An appropriate member of staff from the student's school (often known as the Primary Person) will join the meeting as needed.
- 3.2.** Prior to the first meeting the Student Relations team will inform the student:
- That there is a meeting under Level 1 of the Support to Study Code, and:
- (a) The issues or concerns to be discussed;
  - (b) The list of attendees at the meeting;
  - (c) The purpose of the meeting under the Support to Study Code framework;
  - (d) The possible outcomes of the meeting under the Support to Study Code;

(e) The student's right to bring a support person to meetings and to use AUTSA advocacy services.

- 3.3.** The Student Relations team or Primary Person may speak with other relevant University staff to gather information to help inform the discussion of the Level 1 meeting.
- 3.4.** If it is determined that there are issues that need resolving to ensure a student's Fitness to Study, the University may take such action as is appropriate in the circumstances, including but not limited to one or more of the following:
- (a) Draw up a Support Plan, detailing the relevant issues and outcomes to support the student. The support plan will cover a specific period of time and may include regular review meetings;
  - (b) Draw up a Support Plan as above, but include conditions placed on the student in relation to their behaviour, conduct or engagement with the University and/or central support services;
  - (c) Refer the student to Level 2 or Level 3 of the Support to Study Code.
- 3.5.** The Student Relations team will notify the student in writing of all decisions reached and provide the student with a copy of a Support Plan. This notification will be provided within five (5) working days of the meeting and will include reasons for any decisions made by the University regarding the student's Fitness to Study.
- 3.6.** A written record of the meeting, plus copies of all Support Plans, will be stored in a secure area within the University's Customer Relationship Management (CRM) system.
- 3.7.** The action or actions taken above will be monitored by the Student Relations team. Breaches of conditions included in the Support Plan, or subsequent concerns regarding the student's Fitness to Study, may result in the student being referred to Level 2 or Level 3 of the Support to Study Code.
- 3.8.** If the student refuses to attend meetings, or to engage in the process, they may be referred to Level 2 or Level 3 of the Support to Study Code.

#### **4 Procedure Level 2: Continuing or Significant Concern**

- 4.1.** Level 2 should be considered if there is continued concern following Level 1, or where there is significant concern about a student's health, wellbeing, behaviour, safety, or ability to study, meriting direct referral to Level 2. Such concerns may include significant deterioration in health, appearance, attitude, or behaviour (particularly where there is an impact on attendance), ability to meet deadlines, ability to succeed academically, or ability to use the University premises appropriately.
- 4.2.** Once concerns have been raised about the student, the Student Relations Manager and/or Student Conduct Manager will provide a notice of Level 2 referral. This will be done in consultation with relevant University staff and will include:
- (a) Identification of the continuing and ongoing concern (including specific information);

- (b) Collation of any relevant information about the student (e.g., non-attendance, missed deadlines, isolation, issues with other services in the University or placement providers);
  - (c) Actions taken so far and their efficacy; and
  - (d) Notes on discussions had with Student Services, or the student's faculty/school for advice or guidance on how best to approach the student.
- 4.3.** The student will be given a copy of all documents seen by the case conference attendees and will be able to submit documents for the case conference attendees to consider and will be given the opportunity to give their perspective of current issues and (where appropriate) history of events, past experiences, and helpful strategies or support for managing these.
- 4.4.** The notice will be sent to the Group Director Student Services and Administration who will chair a case conference. Relevant members of the faculty/school, Student Services and Estates team will be invited to attend. Subject to privacy law and professional codes of confidentiality, the student will also receive a copy of the notice. The student will be invited to the case conference and provided with the following information:
- (a) The list of attendees of the case conference. Any subsequent changes to the attendees will be communicated to the student prior to the case conference;
  - (b) The nature of the concern(s) raised and that the matter is being dealt with under Level 2 of this Support to Study Code;
  - (c) That the purpose of the meeting to explore the concern regarding the student's Fitness to Study and whether it can continue to be managed at Level 2;
  - (d) The procedures for the meeting (which include the recommendation that the student bring a support person and that the student will be invited to respond to the concern); and
  - (e) Possible outcomes of the case conference.
- 4.5.** The case conference attendees may uphold or dismiss some or all of the concerns raised. If the case conference attendees determine that the student's Fitness to Study is impaired or may become impaired, the following outcomes may be applied:
- (a) Draw up a Support Plan with conditions or a revised Support Plan with conditions;
  - (b) Recommend that the student undertake a specific professional assessment of their Fitness to Study;
  - (c) Where the option is available, transfer them to an alternative mode of study, for example part-time, distance learning, or to a different course of study;
  - (d) Recommend that the student take a voluntary leave of absence;
  - (e) Referral of the case to Level 3: Serious or Persistent Concern;
  - (f) Following the case conference, the student may provide additional information to the case attendees within 24 hours of the case conference taking place.
- 4.6.** The outcome of the case conference and associated reasons will be sent to the student no more than five (5) working days after the case conference has taken place.

- 4.7.** If the student does not agree to take a leave of absence or does not proceed with the recommended action, the matter may be treated as a Level 3: Serious or Persistent Concern.

## **5 Procedure Level 3: Persistent or Serious Concern**

- 5.1.** Level 3 of the Support to Study Code should be used where there is ongoing concern following Levels 1 or 2, or where there is serious or significant concern about a student's health, wellbeing, behaviour, safety, or ability to study. Where there are serious concerns regarding risk to the health and safety of the student or where there is a perceived threat or serious risk to the student or others, cases may be referred directly to Level 3, without going through Levels 1 or 2.
- 5.2.** A concern will be treated as serious or persistent if:
- (a) Earlier intervention at Level 2 has not resolved the concern;
  - (b) It has become apparent that the concern is significantly more severe than originally anticipated (e.g., if an emerging concern needs to be treated as a serious concern);
  - (c) The concern is so serious that treating it as a Level 1 or Level 2 concern would not be appropriate;
  - (d) A student's health or wellbeing is significantly affecting their ability to engage with their studies, placement, or other aspects of University life; or
  - (e) A student's health or wellbeing is adversely affecting, or is a possible danger to, the health or wellbeing of themselves or others.
- 5.3.** Serious or persistent concerns will be referred to the Group Director Student Services and Administration who will convene and chair a meeting of the Fitness to Study panel ("the Panel").
- 5.4.** The purpose of the Panel meeting is to discuss the circumstances of the concern regarding the student in order to make a recommendation to the Deputy Vice Chancellor Academic. The Deputy Vice Chancellor Academic will then decide what, if any, action should be taken.
- 5.5.** The Panel will include a combination of:
- (a) The Group Director Student Services and Administration (Chair);
  - (b) The Student Relations Manager/ Student Conduct Manager;
  - (c) The Associate Dean/Head of School/Primary Person from Level 1 or Level 2 from where the case has escalated through this Support to Study Code;
  - (d) Any relevant member(s) of Student Services or Divisions;
  - (e) A representative of AUTSA;
  - (f) Additional members who may be required e.g., a member of Student Accommodation Services, a representative of the International Office and other relevant people who have a direct link or support role with the student, and who hold an appropriate level of responsibility and decision making authority for the relevant area within the University.
- 5.6.** If a student does not attend, the Panel will be limited to reviewing the information available.

- 5.7.** The Panel may receive the following information:
- (a) Identification of the continuing and ongoing serious concern (including specific information);
  - (b) Collation of any relevant information about the student (e.g., non-attendance, missed deadlines, isolation, issues with other services in the University);
  - (c) Actions taken so far and their efficacy;
  - (d) Notes on discussions had with Student Services, the Student Relations team, and the Student Counselling and Mental Health team for advice or guidance on how best to approach the student; and
  - (e) Subject to privacy law and/or professional codes of confidentiality, any medical reports, or other relevant reports on the student.
- 5.8.** The student will be informed of the Panel and its purpose in a clear, written statement at least five (5) working days before the meeting and, subject to privacy law or professional codes of confidentiality, receive the same information made available to the Panel, as well as information on:
- (a) The list of attendees of the Panel. Any subsequent changes to the attendees will be communicated to the student prior to the Panel meeting;
  - (b) The nature of the concern(s) raised and that the matter is being dealt with under Level 3 of this Support to Study Code;
  - (c) The purpose of the meeting to explore the concern regarding the student's Fitness to Study and whether it can continue to be managed at Level 3;
  - (d) The procedures for the meeting (which include the recommendation that the student bring a support person and that the student will be invited to respond to the concern);
  - (e) An explanation that the meeting will be confidential and that personal information relating to the health of the student will only be shared with those who have a direct involvement in the meeting, and
  - (f) Possible outcomes of the Panel.
- 5.9.** The student will be given a copy of all documents seen by the Panel and will be able to submit documents for the Panel to consider and will be given the opportunity to give their perspective of current issues and (where appropriate) history of events, past experiences, and helpful strategies or support for managing these.
- 5.10.** Where the student has not provided or is not able to provide medical or other evidence as requested, the Panel meeting will proceed on the basis of the information available at the time.
- 5.11.** If the Panel determines that there is a significant concern about a student's health, wellbeing, behaviour, safety, or ability to study, or where there is a perceived threat or serious risk to the student or others, the following outcomes may be applied:
- (a) Recommend that the student undertake a specific professional assessment of their Fitness to Study;
  - (b) Draw up a Support Plan; or revised Support Plan with conditions;

- (c) Where the option is available (with the student's consent), transfer them to an alternative mode of study, for example part-time, distance learning, or to a different course of study;
- (d) Recommend that the student take a voluntary leave of absence;
- (e) Exclude the student from some or all of the University facilities or from entry to the whole or part of University premises for a specified or unspecified period subject to regular review;
- (f) Suspend the student temporarily from the University for a specified or unspecified period subject to regular review;
- (g) Suspend the student temporarily from attending a placement, a field trip, or year abroad for a specified or unspecified period subject to regular review;
- (h) Withdraw the student from the University. This decision must only be made where it has been concluded that there is no reasonable prospect of the student re-engaging with their studies or wider University life.

**5.12.** Following the Panel meeting, the student may provide additional information to attendees within 24 hours of the Panel meeting taking place.

**5.13.** The outcome of the Panel meeting and associated reasons will be sent to the student no more than five (5) working days after the Panel meeting has taken place.

**5.14.** If the student does not agree to take a leave of absence or does not proceed with the recommended action, the Panel may reconvene, or the matter may be referred to the Deputy Vice Chancellor Academic.

## **6 Immediate Suspension: Immediate or Serious Risk to the Student or Others**

**6.1.** The Group Director Student Services and Administration may suspend a student for a defined period of time with immediate effect where they have the reasonable suspicion that the student is an immediate danger to themselves or other persons. In order to make this decision the Group Director Student Services and Administration will consult with the Deputy Vice Chancellor Academic and, where necessary, appropriate members of staff from Student Services, AUTSA, Health and Counselling, Student Accommodation, the International Office and the faculty or school.

**6.2.** If a student is suspended with immediate effect the Group Director Student Services and Administration will as soon as practicable, convene a meeting of the Panel to consider the matter and make recommendations to the Vice Chancellor in accordance with Level 3 of the Support to Study Code. The immediate suspension will be subject to review by the Group Director Student Services and Administration and the student will have a right to respond.

## **7 Return to Study following a leave of absence, exclusion or withdrawal from enrolment**

**7.1.** In order for a student to return to study following a leave of absence, exclusion or withdrawal from enrolment, the relevant case conference or panel will be reconvened to assess a student's Fitness to Study.

- 7.2. The Chair will outline to the student the requirements to be submitted to support an assessment of Fitness to Study. This may include a reflective statement from the student.
- 7.3. To ensure a timely assessment process is undertaken and that enrolment arrangements can be managed, the student must indicate a request to return to study at least 20 working days prior to the anticipated commencement of enrolment.
- 7.4. The Case Conference or Panel will confirm whether the concern has been sufficiently addressed or managed to enable the student to return to the University, or whether the leave of absence, exclusion or withdrawal should continue with the faculty or school to ensure any specific issues in relation to the programme of study and placements are addressed.

## **8 Return to Study following a suspension from the University**

- 8.1 The Group Director Student Services and Administration and Primary Person will decide whether the student can return to the University or whether the suspension will continue for either a specified or unspecified period. The student's faculty or school will be consulted in relation to any academic or programme-related factors that need to be considered for the student's return to the University. If the student has missed a significant amount of the programme or the programme has changed during the period of suspension, it may be appropriate for the student to return to an earlier stage of the programme.
- 8.2 The student will be informed of the Panel's decision in writing as soon as possible and normally within 15 working days of receipt of the medical evidence. The student will also be informed of the right to appeal against that decision.
- 8.3 A student suspended under this Support to Study Code will be invited to attend a meeting with appropriate members of faculty or school and Student Services before they return to study. This meeting is to give the student the opportunity to discuss management of their health and wellbeing on their return.

## **9 Reconsideration**

- 9.1. A student may request a reconsideration of a range of outcomes issued under the Support to Study Code. These include:
  - (a) Draw up a Support Plan which may include conditions, or revise an existing Support Plan;
  - (b) Referral from Level 1 to Level 2;
  - (c) Referral from Level 2 to Level 3.
- 9.2. A request for reconsideration of a case conference or panel outcome must be presented in writing within five (5) days of the decision to the Chair of the meeting.
- 9.3. A student may request a reconsideration of conditions within a Support Plan.



- 9.4.** A request for reconsideration of a Support Plan condition can be made at any time when meeting and discussing the Support Plan with the assigned member of the Student Relations or Student Liaison team.

## **10 Appeal**

- 10.1.** A student who has had their enrolment suspended or who has been withdrawn from the University under this Support to Study Code may, within (14) days of the decision of the Panel or of the Group Director Student Services and Administration or of the Vice-Chancellor, appeal the decision by giving notice to the Vice-Chancellor in writing, on the condition that:

- (a) The complainant will only be able to appeal the appropriateness or reasonableness of the penalty; and
- (b) The student may only appeal on the grounds that:
  - (i) The penalty was inappropriate or unreasonable; or
  - (ii) The Panel failed to meet the principles of natural justice; or
  - (iii) That fresh evidence has arisen that was not reasonably available at the time of the hearing and that if taken into account, is likely to alter the decision of the Group Director Student Services and Administration or the Panel.

- 10.2.** The notice of appeal must set out:

- (a) The decision or particular part of the decision that is being appealed; and
- (b) The grounds of appeal.

- 10.3.** An appeals panel will be set up by the Vice-Chancellor to hear and decide the appeal filed in accordance with the provisions of this Support to Study Code.

- 10.4.** The Vice-Chancellor will:

- (a) Appoint an appeals panel to hear the appeal;
- (b) Give the notice of appeal together with the name of appeals panel to the Administrative Secretary who will:
  - (i) Notify the parties of the date, time, and place of the hearing of the appeal, such date to be within 10 working days of the receipt of the notice of appeal;
  - (ii) Where there is a record of the Panel meeting, provide a copy of that record with the notice of appeal.
- (iii) Notify the parties of:
  - (aa) The consequences of not appearing at the hearing;
  - (bb) Any documents or evidence relevant to the appeal, including statements from witnesses and documents referred to or relied on, unless it would compromise the safety of any witnesses or be against the public interest;
  - (cc) An explanation of the process that will be followed;
  - (dd) The right to representation;
  - (ee) The requirement that any information or document submitted by the student or any other party must be given to the Administrative Secretary at least two (2) days prior to the hearing so that it can be distributed and considered.

**10.5.** The appeals panel will hear and determine the appeal in such manner as they think proper, having regard to the principles of natural justice. Provided that the appeal hearing will not operate by way of a rehearing of the complaint.

**10.6.** The appeals panel has the power to:

- (a) Send the complaint or penalty back to the Panel to be reconsidered;
- (b) Change, reduce, or increase the actions decided by the Panel;
- (c) Dismiss the appeal and uphold the decision of the Panel.

**10.7.** The decision of the appeals panel will be in writing and will set out the reason/s for the decision which will be sent to all relevant parties.

### **11 Supporting students who are deemed too unwell to participate under the Support to Study Code**

In some circumstances students are too unwell to participate in the Support to Study Code. When a student's enrolment concludes, due to these concerns, prior to commencing a Support to Study Code process, the student may be advised in writing that any future return to study will be managed under the Support to Study Code and any return to study settings.