

## CODE OF PRACTICE – HEALTH, WELLBEING AND FITNESS TO STUDY

### 1 Preamble

- 1.1 Auckland University of Technology is committed to supporting students and recognises the importance of a student's health and wellbeing in relation to his or her academic progression and wider University experience (such as living with other students, socialising and participating in University sports and activities).
- 1.2 There may be occasions where the health or wellbeing of a student deteriorates or their behavior causes concern to the point where it raises questions about their suitability to continue their studies; their capacity to participate fully and interact with other members of the University; or their ability to use University premises appropriately (collectively referred to as "Fitness to Study").
- 1.3 This Code of Practice is a supportive procedure to be used when a student appears unable or unwilling to manage their health and wellbeing, or their behavior is of such concern that the University has good cause to intervene. Its purpose is to outline the steps that the University will follow when concerns are raised about the Fitness to Study of one of its students.
- 1.4 This Code of Practice 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.
- 1.5 All references in this Code of Practice to the Deputy Vice Chancellor, Group Director of Student Services, University Health and Counselling and Student Relations Manager, Associate Dean, Head of School (and other positions identified by title), include their nominee.
- 1.6 Any action taken under this Code of Practice does not preclude other actions available to the University including disciplinary action.
- 1.7 The University may continue to act in accordance with this Code of Practice despite a student failing or refusing to engage with any of the procedures set out below.

### 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 behavior which suggests a deterioration in their mental or physical health;
  - (c) A pattern of behavior or communication which appears irrational or extremely inconsistent;
  - (d) A pattern of unreasonable demands which appear irrational, inappropriate, or inconsistent.

- 2.2 This Code of Practice identifies 3 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 paragraph 4.1-4.3 should be considered in the first instance.
- 3 Procedure Level 1: Emerging or Low Level Concern (no immediate or serious risk to the student or others)**
- 3.1 Initial concerns regarding a student's Fitness to Study will normally be dealt with by the student's school. Where an initial concern about a student's Fitness to Study is raised, an appropriate member of staff (for this purpose referred to as "the Primary Person") from the student's school will be identified by the school (for example, the Programme Leader) to meet with the student as soon as possible.
  - 3.2 The Primary Person will attempt to resolve the concerns in discussions with the student. It may be appropriate for the Primary Person to advise the student to engage with support services provided by the University, including the Student Relations Manager. The Primary Person may hold a review meeting with the student after they have been given sufficient time to access any support and/or address the concern.
  - 3.3 If the concerns are not managed to the Primary Person's satisfaction a second formal meeting, involving the Head of School and a representative of Student Services, will be arranged. The Primary Person will provide to the student in writing the notice of the meeting including:
    - (a) The nature of the concern(s) raised and that the matter is being dealt with under Level 1 of this Code of Practice;
    - (b) 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 1.
    - (c) 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
    - (d) The possible outcome of the meeting.
  - 3.4 The Primary Person may speak with other relevant members of staff (for example from the student's school or faculty, Student Services, Health Relations Manager, Health and Counselling, and placement providers) as appropriate in order to deal with the matter.

- 3.5 If the Head of School and Primary Person determine that the student's Fitness to Study is impaired or may become impaired, they may take such action as is appropriate in the circumstances, including but not limited to one or more of the following:
- (a) Take no action.
  - (b) Draw up a support action plan;
 

To be monitored by the school or faculty and Student Relations Manager, setting out how the matter is to be dealt with and any conditions to be placed on the student (for example, in relation to their behaviour or in relation to support they should seek).

The Primary Person will set a review date and will notify the student that if any conditions set out in the action plan are not complied with, or if there is a continuation of the same or any additional concern, these issues may result in the student's Fitness to Study being referred for further assessment under Level 2 or 3.
  - (c) Referral of the case to Level 2: Continuing or Significant Concern.
- 3.6 The Head of School or Primary Person will notify the student in writing of the decision reached and provide the student with a copy of any action plan. This notice will include reasons for the decision and is expected within 5 working days of the meeting. A written record of the meeting and a copy of any action plan will be sent to the Group Director Student Services and is expected within 5 days of the meeting.
- 3.7 If the student refuses to attend the meeting or is unable to attend the meeting the Primary Person will refer the student to Level 2.

#### 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 behavior (particularly where there is an impact on attendance), ability to meet deadlines, ability to succeed academically, or ability to use University premises appropriately.
- 4.2 Once concerns have been raised about the student, the Head of School will provide a notice of Level 2 referral. This will be done in consultation with the Student Relations Manager 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, the Student Relations Manager, and University Health and Counselling for advice or guidance on how best to approach the student.

- 4.3 The notice will be sent to the Group Director Student Services who will chair a case conference. Relevant members of the faculty/school, Student Services and the Student Relations Manager will be invited to attend. Subject to privacy law and professional codes of confidentiality, the student will also receive a copy of the notice.
- 4.4 The student will be invited to the case conference and provided with the following information:
- (a) The list of attendees of the case conference;
  - (b) The nature of the concern(s) raised and that the matter is being dealt with under Level 2 of this Code of Practice;
  - (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 If the case conference determines that the student's Fitness to Study is impaired or may become impaired, the following actions may be taken:
- (a) Draw up a support action plan;
 

To be monitored by the faculty or school and the Student Relations Manager, setting out how the matter is to be dealt with and any conditions to be placed on the student (for example, in relation to their behaviour or in relation to support they should seek).

The Associate Dean will set a review date and will notify the student that if any conditions set out in the action plan are not complied with, or if there is a continuation of the same or any additional concern, these issues may result in the student's Fitness to Study being referred for further assessment under Level 3.
  - (b) Recommend that the student undertake a specific medical assessment of his or her Fitness to Study;
  - (c) Recommend that the student take a voluntary leave of absence;
 

The student will be advised that when the agreed period of absence comes to an end and they wish to return to study, they will be asked to provide satisfactory evidence that they have overcome the original difficulties and are well enough to return to study. This may involve referral to University Health and Counselling.
  - (d) Referral of the case to Level 3: Serious or Persistent Concern.
- 4.6 The outcome of the case conference and associated reasons will be sent to the student no more than 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: Serious or Persistent Concern

- 5.1 Level 3 of the Code of Practice should be used where there is ongoing concern following Level 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 Level 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 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. The Deputy Vice Chancellor 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 (Chair);
  - (b) The Student Relations Manager;
  - (c) The Associate Dean/Head of School/Primary Person from Level 1 or Level 2 from where the case has escalated through this Code of Practice;
  - (d) Any relevant member(s) of Student Services;
  - (e) A representative of AUTSA;
  - (f) Additional members who may be required e.g. a member of 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 Prior to the Panel meeting, the student may be asked to attend a specific assessment of his or her Fitness to Study with the University Health and Counselling Centre or an agreed medical practitioner of his or her choice. If a student refuses to attend an assessment, the Panel will be limited to reviewing the information available.

- 5.7 The Panel will 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 Manager, and University Health and Counselling 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 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;
  - (b) The nature of the concern(s) raised and that the matter is being dealt with under Level 3 of this Code of Practice;
  - (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 actions may be taken:
- (a) Recommend that the student undertake a specific medical assessment of his or her Fitness to Study;

## (b) Draw up a support action plan;

To be monitored by the faculty or school and Student Relations Manager, setting out how the matter is to be dealt with and any conditions to be placed on the student (for example, in relation to their behaviour or in relation to support they should seek).

The Group Director Student Services will set a review date and will notify the student that if any conditions set out in the action plan are not complied with, or if there is a continuation of the same or any additional concern, these issues may result in the student's Fitness to Study being referred for further assessment under Level 3

## (c) Recommend that the student take a voluntary leave of absence.

The student will be advised that when the agreed period of absence comes to an end and they wish to return to study, they will be asked to provide satisfactory evidence that they have overcome the original difficulties and are well enough to return to study. This may involve referral to University Health and Counselling.

## (d) 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.

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

5.13 If the student does not agree to take a leave of absence or does not proceed with the recommended action, the matter will be referred to the Deputy Vice Chancellor.

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

6.1 The Group Director Student Services 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 will consult with the Deputy Vice Chancellor 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 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 (section 3.11.(f), (g), (h) above). The immediate suspension will be subject to review by the Group Director Student Services and the student will have a right to respond.

## 7 Return to Study

- 7.1 In order to return to the University following a suspension, a student will be required to submit appropriate evidence of their Fitness to Study. This may include specified medical evidence. If a student has been suspended for a specified period of time, medical evidence must be submitted at least 20 University working days before the end of the suspension period. Where the student has been suspended for an unspecified period, medical evidence may be submitted at any time.
- 7.2 The University Health and Counselling Centre will be asked to consider any medical evidence submitted by or on behalf of a student. The Centre will also advise the Group Director Student Services about whether the concern has been sufficiently addressed or managed to enable the student to return to the University, or whether the suspension should continue for either a specified or unspecified period. This will involve consultation with the faculty or school to ensure any specific issues in relation to the programme of study and placements are addressed.
- 7.3 The Panel 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.
- 7.4 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.
- 7.5 A student suspended under this Code of Practice 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.

## 8 Appeal

- 8.1 A student who has had their enrolment suspended or who has been withdrawn from the University pursuant to section 3.11.(f), 3.11.(g), 3.11.(h) or 4.1 may, within (14) days of the decision of the Panel or of the Group Director Student Services 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) 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 or the Panel.
- 8.2 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.
- 8.3 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 Code of Practice.
- 8.4 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.

- 8.5 The appeals panel will hear and determine the appeal in such manner as he or she thinks 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.
- 8.6 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.
- 8.7 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.