

These Procedures support the *Fitness to Study Policy*

Procedures Owner: College Director and Principal / Associate Principal

Keywords: Fitness to Study, Student Wellbeing

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1. INTENT

- 1.1 These Procedures outline Australian College of Business and Technology ('ACBT' or the 'College') or Partner processes for managing a Fitness to Study concern about a Student. These Procedures apply to all Students, irrespective of mode or location of study.
- 1.2 ACBT or partner provider recognises that there may be instances where a Student's health condition, behaviour or wellbeing may give rise to concerns about their Fitness to Study and ability to meet the legal, ethical and behavioural requirements of their Course. Where a Student's conduct poses a risk to the Health, Safety, or wellbeing of themselves or others, or to College property or facilities, or materially interferes with a College activity, and this is related to a Fitness to Study concern, Staff will implement the *Fitness to Study Policy* and these Procedures.
- 1.3 Where a Student or another person is in immediate danger, Emergency services and Edith Cowan University Security will be contacted.
- 1.4 These Procedures support the *Fitness to Study Policy*.

2. ORGANISATIONAL SCOPE

- 2.1 These Procedures apply to all Students, irrespective of mode or location of study, at ACBT and its Partner Providers.

3. DEFINITIONS:

- 3.1 The *Glossary of Policy Terms* applies to these Procedures.

4. PROCEDURES CONTENT:

- 4.1 The College has three levels for responding to a Fitness to Study concern:
- a) **Level 1 – Isolated, Minor and Emerging Low-Level Concerns** (see Clauses 4.6 to 4.8);
 - b) **Level 2 – Significant or Ongoing Concerns of a Serious Nature** (see Clauses 4.9 to 4.15); and
 - c) **Level 3 – Critical Concerns** (see paragraphs 4.16 to 4.21).
- 4.2 All Fitness to Study concerns will be referred in writing to the College Director/ Associate Principal and Principal, who will determine the level of intervention required having regard to the relevant circumstances, including the nature of the concern, the seriousness of any risk posed, the Student’s perception of their behaviour and the Student’s response to any steps taken by the College.
- 4.3 A matter may be dealt with at Level 3, without any requirement for an earlier level of support and intervention to have been commenced or exhausted. A Level 2 Concern must first be addressed as a Level 1 Concern.
- 4.4 Where a meeting is conducted with a Student:
- a) the Student may be accompanied by a support person, for example, a Student, friend or family member, but may not be legally represented – the person may only act as the Student’s advocate where invited to do so by the Staff member(s) conducting the meeting;
 - b) the meeting may be conducted in person, or by telephone or videoconference, taking into account the Student’s preference and any relevant circumstances;
 - c) where practicable, the Student will be informed in advance of who will be present; and
 - d) the Student will be given a reasonable opportunity to respond to any concerns raised and present relevant material.
- 4.5 Where, despite reasonable endeavours by the College, a Student cannot be contacted or does not engage with the College’s processes, the College may proceed with any suitable action in the Student’s absence. The Student will be notified via their last known contact details of any action taken to support the Student or manage behaviour.

Level 1 – Isolated, Minor and Emerging Low-Level Concerns

- 4.6 The Academic Program Coordinator/ Unit Coordinator may do any one or more of the following:
- a) contact or meet with the Student to discuss the Fitness to Study concern, identify the Student’s perception of the concern, and determine any additional support needs the Student may have; and
 - b) provide the Student with information about the College’s Fitness to Study requirements, *Student Conduct Policy*, and support services available to the Student.

- 4.7 The Academic Program Coordinator/ Unit Coordinator will provide written confirmation to the Student of the steps taken under Clause 4.6.
- 4.8 The Academic Program Coordinator/ Unit Coordinator does not need to refer the concern to the Student Counsellor if they are satisfied that a Level 1 Concern has been suitably addressed.

Level 2 – Significant or Ongoing Concerns of a Serious Nature

- 4.9 The Academic Director / Associate Principal will notify the College Director and Principal of a Level 2 Concern.
- 4.10 The Academic Director / Associate Principal will:
- a) where appropriate, consult with and seek advice from the Student Counsellor and other relevant Staff;
 - b) where this has not already occurred, notify the Student that the College has a Fitness to Study concern, and provide the Student with information about the College's Fitness to Study requirements, *Student Conduct Policy* and available support services; and
 - c) arrange a meeting between the Student, the Academic Director or Associate Principal and any other relevant College representatives, to discuss the concern, inviting the Student to bring to the meeting any information or material that may be relevant.
- 4.11 At the meeting, the Academic Director / Associate Principal will:
- a) consider the Student's response to any previous steps taken by the Student or the College to address the Concern;
 - b) discuss the concern or observed behaviour with the Student, identify the Student's perception of the Concern, and determine any additional support needs the Student may have; and
 - c) identify any ongoing or future risks that may be caused by the Student's conduct.
- 4.12 The Academic Director / Associate Principal may do any one or more of the following:
- a) counsel the Student about recommended changes to behaviour;
 - b) refer the Student to appropriate additional support services - e.g. health, counselling, or disability services;
 - c) recommend that the Student apply for appropriate changes to their Enrolment or Study Load, or seek a Learning and Assessment Plan;
 - d) request that the Student direct all communications to nominated Staff, and refrain from contacting other Staff;
 - e) refer the concern to other members of Staff who may be more suitable to contact and assist the Student;
 - f) take such other action as may be required to assist the Student as may be appropriate in the circumstances; or
 - g) refer the matter to be dealt with as a Level 3 Concern.

- 4.13 The Academic Director / Associate Principal will:
- a) confirm in writing to the Student any actions taken or recommendations made in accordance with Clause 4.12 or 4.13;
 - b) where changes to a Student's Study Load are recommended, refer the Student to Academic Program Coordinators who can provide advice about the Student's circumstances, for example in relation to how a change may affect their fees, scholarship, visa or Course planning;
 - c) review the matter at an appropriate time in the future (unless this is being undertaken by another College support service); and
 - d) inform relevant persons as may be appropriate in the circumstances as to what course of action is being followed.
- 4.14 Where a Student refuses to engage with the Academic Director / Associate Principal, does not attend a meeting, is unable to be contacted, or the concern persists, the Academic Director / Associate Principal can take any action described in Clauses 4.12 and 4.13 or may refer the matter to the College Director and Principal, to be dealt with as a Level 3 concern.

Level 3 – Critical Concerns

- 4.15 Where there is a Critical Concern that a Student is Unfit to Study, the matter is referred to the College Director and Principal.
- 4.16 The College Director and Principal will:
- a) notify and liaise with the Student Counsellor about the Concern, and keep them informed of actions taken by the College;
 - b) where appropriate, consult with and seek advice from members of the other relevant Staff;
 - c) where this has not already occurred, notify the Student that the College has a Fitness to Study Concern, and provide the Student with information about the College's Fitness to Study requirements, *Student Conduct Policy*, and available support services; and
 - d) arrange a meeting between the Student, the Academic Director / Associate Principal and any other relevant College representatives, to discuss the concern, inviting the Student to bring to the meeting any information or material that may be relevant.
- 4.17 At the meeting, the College Director and Principal will:
- a) consider the Student's response to any previous steps taken by the Student or the College to address the concern;
 - b) discuss the concern or observed behaviour with the Student, identify the Student's perception of the concern, and determine any additional support needs the Student may have; and
 - c) identify any ongoing or future risks that may be caused by the Student's conduct.

- 4.18 The College Director and Principal may do any one or more of the following:
- a) counsel the Student about recommended changes to behaviour;
 - b) refer the Student to appropriate additional support services - e.g. health, counselling, or disability services;
 - c) recommend that the Student apply for appropriate changes to their Enrolment or Study Load, or seek a Learning and Assessment Plan;
 - d) request that the Student direct all communications to nominated Staff, and refrain from contacting other Staff;
 - e) refer the concern to other members of Staff who may be more suitable to contact and assist the Student; and
 - f) take such other action as may be required to assist the Student as may be appropriate in the circumstances.
- 4.19 The College Director and Principal may, in accordance with the *Fitness to Study Policy*:
- a) restrict or cancel a Student's enrolment in one or more Units or Courses, without academic penalty and with a relevant tuition fee refund;
 - b) require a Student to direct all communications to one or more nominated Staff members;
 - c) prohibit a Student from accessing College facilities or premises;
 - d) require a Student to provide Fitness to Study Report(s), or other suitable medical or professional evidence of their Fitness to Study, and evidence that the Student will have ongoing support to manage their studies;
 - e) require a Student to engage in specific activities to resolve any Fitness to Study concerns before and during a Student's return to study; and
 - f) impose any other lawful condition or determination
- 4.20 The College Director and Principal will:
- a) confirm in writing to the Student any actions taken or recommendations made in accordance with Clause 4.18 or 4.19;
 - b) where changes to a Student's Study Load are recommended or directed, refer the Student to appropriate Staff members who can provide advice about the Student's circumstances, for example in relation to how a change may affect their fees, scholarship, visa or course planning; and
 - c) review the matter at an appropriate time in the future (unless this is being undertaken by another College support service); and
 - d) inform relevant persons as may be appropriate in the circumstances as to what course of action is being followed.
- 4.21 Where a Student refuses to engage with the relevant Staff member(s) addressing the Fitness to Study concern, does not attend a meeting, is unable to be contacted, or the concern persists, College Director and Principal can take any action described in Clauses 4.18-4.19.

Return to Study

- 4.22 Where a Student's Enrolment has been Cancelled, before returning to Study (to the relevant Units) the Student will be required to provide to the Academic Director / Associate Principal evidence that they are fit to return to Study. Such evidence may include:
- a) a Fitness to Study Report or other suitable medical or professional evidence as may be determined by Academic Director / Associate Principal;
 - b) evidence that the Student will have ongoing support to manage their studies; and
 - c) evidence that specific activities have been, or are being, undertaken to support the Student.
- 4.23 The Academic Director / Associate Principal will assess the evidence provided, liaise with any relevant Stakeholders or professionals, and recommend to the College Director and Principal whether it is suitable for the Student to return to Study and if so, on what conditions (if any).
- 4.24 The Student will be provided with a copy of the recommendation. The Student will have 14 (fourteen) Calendar Days to respond in writing to the recommendation and provide the College Director and Principal with any further information or evidence that may be relevant.
- 4.25 The College Director and Principal will determine whether it is suitable for the Student to return to Study, and any conditions that may be appropriate in the circumstances. Conditions may include:
- a) requiring the Student to provide a Fitness to Study Report or other suitable medical or professional evidence of their Fitness to Study on a regular basis during the remainder of their Studies;
 - b) requiring the Student to undertake specific activities to address the Fitness to Study concern; and
 - c) Enrolment restrictions.
- 4.26 Before a Student returns to Study, the Academic Director / Associate Principal will create a *Return to Study Plan* for the Student. The *Return to Study Plan* will reflect the outcome in Clause 4.26 and provide further information about support services available to the Student. The Academic Program Coordinator will consult with the Student about Course progression and suitable Units to be undertaken.
- 4.27 The Academic Director / Associate Principal will notify relevant Staff about the Student's return to Study and, where appropriate and relevant, any ongoing Fitness to Study conditions, or actions required to support the Student.
- 4.28 The College Director and Principal may impose any of the outcomes described in the *Fitness to Study Policy*, where the Student is unable or unwilling to produce evidence as set out in Clause 4.23 or abide by any conditions imposed on their return to study.

Mandatory Notifications

- 4.29 Where there is a legislative, professional accreditation or contractual requirement for a Fitness to Study Concern to be disclosed to a third party:
- a) due regard is to be had to the College's *Privacy Policy*;
 - b) Staff are required to consult with the Academic Director / Director of Studies before making any such disclosure;
 - c) the Student is to be informed that disclosure has been made, unless there is a reasonable basis for withholding or delaying this information, which the Staff member reasonably believes is in the Student's best interests; and
 - d) the Academic Director / Associate Principal is to be provided with copies of any written disclosure that is made.

External Grievance Mechanisms

- 4.30 A decision by the College Director and Principal on Fitness to Study Concerns is final.
- 4.31 Students will be provided with information about external routes for complaint regarding Fitness to Study Outcomes, for instance, the Ombudsman.

General Provisions

- 4.32 The College Director and Principal may authorise another person under their supervision (Nominee) to perform any of the actions described in these Procedures.

Conflict of Interest

- 4.33 Where a Staff member has a Conflict of Interest, they must withdraw from being involved in any actions being taken, or refer the matter to an independent Staff member, as the context requires. If such circumstances arise, any action authorised to be taken by:
- a) the College Director and Principal may be instead undertaken by another senior Staff member;
 - b) the Academic Director / Associate Principal, may be instead undertaken by the Academic Program Coordinator / ELICOS Level Coordinator, or another person appointed by a senior Staff member.

Reporting

- 4.34 The Quality and Compliance Manager will provide an aggregated annual report to the Senior Management Group on reported instances of, and trends relating to, Fitness to Study Concerns. The Report will not identify individual Students but will provide information about the number of concerns raised at each level, a summary of any actions taken, and the number of Students who have been able to Return to Study.

5. RELATED DOCUMENTS

5.1 These Procedures support the *Fitness to Study Policy*.

5.2 Other documents relevant to these Procedures include:

Enrolment Policy
Academic Progression Policy
Student Wellbeing and Counselling Policy

5.3 These Procedures were written to align with the following:

National Code of Practice for Providers of Education and Training to Overseas Students 2018

Disability Discrimination Act 1992

Disability Services Act 1986

Disability Standards for Education 2005

Equal Opportunity Act 1984 (WA)

6. CONTACT INFORMATION:

For queries relating to this document please contact:

PROCEDURES OWNER	College Director and Principal
ALL ENQUIRIES CONTACT:	Quality and Compliance Manager
TELEPHONE:	011 29565595
EMAIL ADDRESS:	

7. APPROVAL HISTORY:

PROCEDURES APPROVED BY:	Senior Management Group
DATE PROCEDURES FIRST APPROVED:	June 2022
DATE LAST MODIFIED:	
REVISION HISTORY:	
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