



## Birmingham City University (University Partnerships Europe UPE) CPR 12: Fitness to Study Version 2.1

### 1 Purpose

This policy sets out the BCUIC's (Navitas UPE) approach to dealing with Fitness to Study concerns of students enrolled on a Navitas programme. It is one of the policies that the Office for the Independent Adjudicator in Higher Education references when dealing with student complaints.

### 2 Introduction- What is Fitness to Study?

BCUIC (Navitas UPE) is committed to ensuring that all of our students engage fully with their studies and are able to live and work independently and harmoniously with other students on their programme of study. This Fitness to Study policy applies to situations in which behaviour which may include misconduct, or unreasonable demands being placed on staff and other students, may arise from issues relating to a student's health and general wellbeing.

When students' behaviour falls below expectations, disciplinary action may be the most appropriate solution. Please see NPR x for further information.

The policy covers all learning and residential settings managed by Navitas UPE, including social events, field trips and excursions that are conducted while a student is enrolled on a Navitas Pathway programme.

### 3 Legislation

Colleges dealing with Fitness to Study matters will take account of relevant legislation such as the GDPR, the Mental Health Act (1983, 2007), the Human Rights Act (1998), The Equality Act (2013) and the general rights and expectations of a student with respect to confidentiality.

### 4 Reasons for Invoking the Fitness to Study Policy

College teaching and support staff have a duty to report any concerns they have with a student's fitness to study to the Colleges Director of Academic and Student Services. Typical situations include:

- A student's health problems are disrupting their ability to attend class regularly, undertake class work and homework or participate in the life of the College.
- A student has told a member of the College staff or Partner University that they have a physical or mental health issue that is affecting their ability to pursue their studies
- A friend, relative, colleague, medical practitioner or other associate of the student expresses serious concerns about his/her behaviour which questions their fitness to study
- The student is placing unreasonable demands on their tutor, administrative staff member or other students
- The student appears to present a risk to themselves or other students

- The students' academic performance is suffering as a result of physical or mental health issues

## **5 The Process**

Any staff member, student or friend of associate of a student is encouraged to raise a bona fide Fitness to Study concern relating to a student enrolled at a Navitas College. However, raising a vexatious concern or complaint may be considered a disciplinary offence (See NPR 11: Student Disciplinary Policy).

Staff members or other students who would like to raise a concern about a student's fitness to study should notify initially the College Director of Academic and Student Services. The Director of Academic and Student Services will make a decision on how the particular concern will be dealt with.

There are two levels to the process, starting with an initial informal discussion. The DASS will usually delegate responsibility for investigating this initial meeting to another staff member, called the Level 1 Designated Officer. The Designated Office will normally be a member of the College support or teaching staff.

Where the DASS considers the case to be too serious to be dealt with through an informal discussion, he/she may at his/her discretion decide to invoke formal proceedings immediately.

### **Level 1- Informal**

The Designated Officer meets with the student to discuss in a supportive manner the concern(s) that have been raised. The student will be made aware that the meeting has been called as part of the Fitness for Study procedure.

At the meeting the student will be asked to give his/her own view on the matter of concern and to seek to understand why the matter has been raised. The Designated Officer will attempt to resolve the matter and in doing so will offer a number of options to support the student during the rest of their studies. This may include a commitment on the student's part to engage with the support services of the College/Partner University, to make changes to their daily routines or to work differently with members of their class and peer communities.

The informal discussions and any actions, agreements and undertakings are documented and filed by the College.

Typical Outcomes of an informal level 1 meeting:

- No further action to be taken
- Agreement to meet regularly with certain members of staff
- Commitments to change behaviour

If the student is not able to cooperate with the Level 1 Informal investigations or the Level 1 Informal Investigation is felt to be ineffective or unsuccessful, the Designated Officer may advise the Director of Academic and Student Services to take the investigation to Level 2.

### **Level 2- Formal**

The Formal Level 2 investigation is called by the DASS who will invite the student to a meeting to discuss the concerns that have been raised and the outcome of the informal discussions. The student may bring a friend, Student Representative, colleague, member of staff or Disability support advisor to the meeting. The DASS may invite a representative from the College or Partner

University's support services to the meeting, particularly where specialist knowledge relating to physical, mental health or a disability is required.

The meeting will assess whether further action needs to be taken. Typical outcomes include:

- No further action is recommended
- The student may be referred to a specialist
- A formal action plan may be put in place with a series of review meetings. Students will be expected to meet the expectations that have been set out in the action plan and informed of the consequences of any breaches that might occur
- The student may be advised to take a break from studies
- The student may be suspended or excluded from the College temporarily or permanently

The student will be informed in writing of the decision of the DASS. They will also be informed how to appeal the decision and how the appeal process operates.

## **6 Appeal Process**

Students have the right to appeal a decision made at Level 2 within a period of 2 months of the decision being made. The appeal can only be made on one of these grounds;

- There was a procedural irregularity that has adversely impacted the final decision that was made
- There is evidence of prejudice or bias in the decision made
- The student presents new evidence that could not reasonably have been presented at the time the hearing took place
- The decision was inappropriate in relation to the risk presented to the student, other students or staff
- The College failed to exercise its responsibility in relation to providing reasonable adjustments to students with a disclosed disability

The appeal must be put in writing to the Navitas UPE Academic Registry using this address: [UPE.AcademicRegistry@Navitas.Com](mailto:UPE.AcademicRegistry@Navitas.Com).

The Director of Learning, Teaching and Academic Quality will review the appeal within 5 days. He will decide on one of two outcomes:

- To uphold the appeal fully or in part and decide on what further steps and actions to be taken

**OR**

- Dismiss the appeal in which case the action or sanction identified in Level 2 will be fully enforced

## **7 Length of Process**

The process should observe these timelines:

|                                  | <b>When</b>                        | <b>Who</b>   |
|----------------------------------|------------------------------------|--|
| Level 1 Informal Concern         | Anytime                            | Other students, Tutors, Support Staff, Colleagues, Host Families |
| Level 2 Formal Process           | Immediately                        | DASS   |
| Appeal (if appropriate)          | Within 2 months of Level 2 Result  | Student  |
| Reply to Appeal (if appropriate) | Within 5 days of receipt of Appeal | Navitas Academic Registry<br>DLTAQ                               |

## **8 Returning to Study**

If a student wishes to return to the College having taken time off as a result of the implementation of the Fitness to Study procedure, the College DASS may request that they have met certain conditions, e.g. obtaining a medical certificate. They will also normally recommend regular review meetings between the student and a member of the College services team.

## **9 Availability of Policy**

This policy will be made available to students on the College website, on Moodle sites and during student induction meetings.

## **10 Policy Review**

This policy was last reviewed on January 2019 by the Academic Registry.