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## Key Related Documents

Document Name	Location
QS11 Student Disciplinary Policy	College Website, Policy HUB

## Introduction

This document sets out the Navitas University Partnerships Europe (UPE) policy and procedure for Fitness to Study concerns of students enrolled on a Navitas programme. Navitas UPE has, as part of its Corporate Code of Practice, a commitment to continuous improvement and the UPE College\* network has demonstrated its adherence to this commitment through the implementation of Fitness to Study in each College. Navitas UPE has a long history of and commitment to the provision of quality services and support to students. It recognises the importance of engaging students early in their learning experience and places immense value

on the Student Voice. Working together with students, our teaching and support staff are committed to providing an education and student experience that is shaped, reviewed and enhanced in the spirit of partnership and co-determination.

*\*Please interpret 'College' as 'Campus' where applicable*

## What is Fitness to Study?

Fitness to Study describes a student's capacity to be able to fully engage and function independently within their studies, academic residential environments and wider university life. Navitas UPE is committed to ensuring that all 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 such as misconduct or unreasonable demands being placed on staff and students arises. When students' behaviour falls below expectations, disciplinary action may be the most appropriate solution (see **QS11 Student Disciplinary Policy**).

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.

## Legislation

When dealing with Fitness to Study matters, all Colleges will take account of relevant legislation such as the GDPR, the Mental Health Act (1983, 2007) and the Human Rights Act (1998). Navitas UPE strives to provide a safe and comfortable environment for students from all backgrounds that values diversity and is free from discrimination. We fully subscribe to all equality legislation to protect our students and staff:

- Equality Act 2010 - [www.legislation.gov.uk](http://www.legislation.gov.uk)
- Equality Act (Specific Duties) Wales - [www.legislation.gov.uk](http://www.legislation.gov.uk)
- Equality Act 2012 (Specific Duties) Scotland - [www.legislation.gov.uk](http://www.legislation.gov.uk)
- Equal Treatment Law of the Kingdom of the Netherlands - [ec.europa.eu](http://ec.europa.eu)
- General Equal Treatment Act Germany - [www.antidiskriminierungsstelle.de](http://www.antidiskriminierungsstelle.de)

## 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 a member of the College Senior Management Team (SMT).

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 University Partner 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 student's academic performance is suffering as a result of physical or mental health issues

## The Process

Any staff member, student, friend or associate of a student is encouraged to raise a legitimate Fitness to Study concern relating to a student enrolled at a Navitas UPE College. However, raising a false or malicious concern or complaint may be considered a disciplinary offence (**QS11 Student Disciplinary Policy**).

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

There are two stages to the process, starting with an initial informal discussion. The Director of Learning and Teaching (DLT) or nominee will usually delegate responsibility for investigating this initial meeting to another staff member, called the Investigating Officer. The Investigating Officer will normally be a member of the College permanent staff.

Where the DLT or nominee considers the case to be too serious to be dealt with through an informal discussion, they may at their discretion decide to invoke formal proceedings immediately.

## Stage 1 - Informal

The Investigating 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 to Study procedure.

At the meeting the student will be asked to give their own view on the matter of concern and to seek to understand why the matter has been raised. The Investigating 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/University Partner, 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 Stage 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 Stage 1 Informal investigations or the Stage 1 Informal Investigation is felt to be ineffective or unsuccessful, the Investigating Officer may advise the College SMT to take the investigation to Stage 2.

## **Stage 2 - Formal**

The Formal Stage 2 investigation is called by the College SMT, 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 College SMT may invite a representative from the College or University Partner's support services to the meeting, particularly where specialist knowledge relating to physical, mental health or a disability is required.

Typically, a College SMT would include:

- College Director/Principal
- Director of Learning and Teaching
- Director of Marketing & Admissions (or equivalent)

- Head of College Services

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 College SMT. They will also be informed how to appeal the decision and how the appeal process operates.

## Appeal Process

Students have the right to appeal a decision made at Stage 2 within a period of **two 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 Academic Registry will review the appeal within **one month**. They 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 Stage 2 will be fully enforced

## Length of Process

The process should observe these timelines:

	When	Who
Stage 1 Informal	Anytime	Other students, Tutors, Support Staff, Colleagues, Host Families
Stage 2 Formal	Immediately	The Director of Learning and Teaching
Appeal (if appropriate)	Within <b>two months</b> of Stage 2 Result	Student
Reply to Appeal (if appropriate)	Within <b>one month</b> of receipt of Appeal	Navitas UPE Academic Registry

## Time Limits

Time limits should usually be met by all parties. Time limits may be extended by the Investigating Officer where necessary to ensure a fair outcome.

## Further Review (OIAHE)

If a student has completed the Navitas UPE Internal Appeals Process outlined above and they are still dissatisfied with the outcome, they may be able to refer their Appeal to the Office of the Independent Adjudicator for Higher Education (OIA) providing that the Appeal is eligible under the OIA's Rules.

In such cases Navitas UPE Academic Registry will provide on request a letter stating that a student has completed the Navitas internal Appeals process. The letter will include information on the OIA and will comply with the OIA's guidance for a 'Completion of Procedures' letter.

## 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 SMT 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.

### **Policy Review**

This policy will be reviewed every two years by the Navitas UPE Academic Board unless there are internal or legislative changes that necessitate earlier review. The policy was last reviewed on 23 August 2023 and approved as a Chair's action on behalf of the UPE Academic Board.