

Inherent Requirements Compliance Procedures

Section 1 - Purpose and Context

(1) This procedure prescribes the process through which Schools and Research Institutes investigate and manage a student's failure to satisfy the inherent requirements of their program or subject.

Section 2 - Definitions

(2) For the purposes of these procedures, the following definitions apply:

- a. Appeal means an application made by a student to have a decision reviewed where that decision relates to a matter affecting their studies or life as a student.
- b. APA means the Academic Program Advisor responsible for the student's program.
- c. Associate Dean, Research/Associate Dean, Research and HDR means the Associate Dean who is responsible for research students in a specific School.
- d. DAP means the Director, Academic Program responsible for the student's program.
- e. Fitness to Practice (FTP) means a student's demonstrated ability to meet the expected standards of conduct, compliance, knowledge, performance, and capacity required by the relevant profession and legislation governing the profession. Also known as Fitness for Practice, or Safety to Practice.
- f. Higher Degree Research Director (HDR Director) means the Director who is responsible for research students in a specific Research Institute.
- g. Inherent Requirements (IR) means abilities, knowledge, and standards of conduct and performance that are essential for a student to be able to achieve the learning outcomes of a program or subject, and transition to the profession after graduating (see also Fitness to Practice). These may include compulsory standards set by professional, registration, or accreditation bodies.
- h. Inherent Requirements Compliance Investigation (IRC Compliance Investigation) means the process through which an IRC Panel formally investigates concerns regarding a student's compliance with inherent requirements, and where those concerns are upheld, decides and authorises appropriate outcomes.
- i. Inherent Requirements Compliance Investigation Report (IRC Investigation Report) means a report prepared by an IRC Officer collating incident reports, evidence, facts, and the IRC Officer's initial risk assessments in response to concerns regarding a student's failure to maintain the inherent requirements of their program or subject raised to the IRC Officer.
- j. Inherent Requirements Compliance Officer (IRC Officer) means a School or Research Institute (Institute) staff member at an appropriately senior level who is the point of contact to report concerns regarding a student's failure to maintain a program or subject's inherent requirements.
- k. Inherent Requirements Compliance Panel (IRC Panel) means a School or Institute-formed panel that carries out substantive investigations into concerns raised regarding a student's alleged failure to maintain inherent requirements, manages right-of-reply from the student, decides and authorises appropriate outcomes, and communicates these outcomes to the student.
- l. Initial Risk Assessment means to the initial evaluation of a concern raised regarding a student's compliance with inherent requirements, completed by an IRC Officer, in order to determine whether the concern should be

- investigated formally or can be addressed informally. Initial risk assessments will often involve assessment of the severity of potential hazards and risks resulting from the alleged student behaviour or capacity.
- m. Misconduct means wilful or unreasonable behaviour that the student would be expected to understand as clearly falling short of reasonable professional standards. Refer to the [Student Misconduct Rule](#) for more information.
- n. Placement means a subject, subject component, or other work integrated learning activity, required as part of a subject or program of study (including an elective subject) that gives students unpaid practical experience (as per the [Fair Work Act 2009](#)) in the application of theoretical concepts and knowledge in an authentic university or work environment. This includes overseas placements and is also known as Work Integrated Learning (WIL), clinical immersion, clinical placement, clinical practice, externship, fieldwork, industry experience, industry study, internship, practicum, professional experience, teaching practice, on campus simulation, laboratory practical, or work placement.
- o. Placement Coordinator means the University staff member responsible for managing a student's placement. For example, the Subject Coordinator, or a dedicated member of staff who manages placements.
- p. Placement Organisation/Partner means the organisation at which the student's placement is undertaken. For internal or on-campus placements, the placement organisation is the University.
- q. Procedural Fairness means the procedures used by a decision-maker in dealing with an allegation are fair and requires:
- i. adherence to established principles of natural justice;
 - ii. a hearing appropriate to the level;
 - iii. impartiality of the decision-maker; and
 - iv. evidence to support the finding.
- r. Reasonable Adjustment means the provision of measures, actions or adjustments made to teaching, learning, assessment and placements (if relevant) to enable students with disabilities or chronic health conditions the opportunity to meet the relevant program learning outcomes on the same basis as students without a disability. Reasonable adjustments may also be made on religious or other grounds, such as culture (e.g. uniform adjustments that still comply with professional standards).
- s. Remediation means the opportunity for students to complete tasks or actions in order to address the causes of their failure to meet inherent requirements. If remediation is successful, the student will have regained compliance with their program's inherent requirements.
- t. Reporter means any individual or entity who raises a concern with a University staff member if they witness or have reasonable suspicion regarding a student's failure to maintain the inherent requirements of their subject or program.
- u. Student means any person who is a candidate for an award or who is or was enrolled in a program or registered in a subject offered by the University.
- v. Study Pause means a measure that can be implemented as part of Remediation Plan when a student's non-compliance with inherent requirements poses an unacceptable level of risk that cannot be addressed through reasonable adjustments. A study pause can prohibit a student from engaging in learning activities, attending placements in placement subjects, and/or prohibit the student from registering or re-registering in subjects that contain the same inherent requirement.
- w. Supervisor means one or more suitably qualified persons appointed by the placement organisation/partner or the University to supervise the student on placement. Also known as preceptor, clinical educator, clinical facilitator, or mentor.
- x. Support Person means a person chosen by a student to support them at an Inherent Requirements Compliance meeting or hearing. The support person may assist the student but not act as an advocate.

Section 3 - Policy Statement

(3) Schools and Institutes are provided with the means through this procedure to allow them to investigate concerns raised regarding a student's capacity to satisfy a program or subject inherent requirements, and to action non-compliance with inherent requirements.

(4) These procedures must be read and understood in conjunction with University policies, including, but not limited to the:

- a. [Assessment Policy](#);
- b. [Disability Policy](#);
- c. [Enrolment Policy](#);
- d. [Fitness to Practice Policy](#);
- e. [Placement Policy](#);
- f. [Privacy Policy](#); and
- g. [Risk Management Policy](#).

Section 4 - Procedures

(5) Any person (reporter) may raise a concern with University staff members regarding a student's compliance with program or subject inherent requirements.

(6) The formal investigation of a concern regarding a student's compliance with inherent requirements must be carried out in accordance with procedural fairness.

(7) Students have the right to:

- a. have the concern investigated as promptly as possible;
- b. receive a copy of, or an opportunity to inspect, all relevant information;
- c. be given an opportunity to discuss the concern with the investigators;
- d. invite a support person to attend meetings relating to the investigation of a concern; and
- e. appeal any outcome resulting from formal investigation of a concern in accordance with these procedures.

Part A - Initial Response

(8) University staff who receive concerns from a reporter must either:

- a. direct the reporter to raise the concern with the relevant School or Institute IRC Officer; or
- b. inform the relevant School or Institute IRC Officer of the concern themselves.

(9) Schools/Institutes may assign different staff as IRC Officers for different programs, as long as they are at an appropriately senior level.

(10) IRC Officers must be:

- a. a member of the profession where possible; or
- b. an appropriate academic member of staff with necessary knowledge and application of the relevant learning outcomes, as appointed by the Dean or equivalent.

(11) Staff members acting as IRC Officers or IRC Panel members formally investigating a concern regarding a student's compliance with inherent requirements, have:

- a. an obligation to recuse themselves from the investigation if they believe their personal involvement, circumstances or a personal response is triggered that impacts their ability to assess the concern impartially;
- b. a right to refuse to contribute to the investigation where the details of the case cause significant distress to the staff member;
- c. a right to request additional supervision meetings or to attend counselling if the details of a case cause significant distress to the staff member.

(12) Within 24-48 hours of hearing a concern regarding student compliance with inherent requirements, the IRC Officer must commence an Initial Risk Assessment and evaluate the concern against the inherent requirements of the program or subject to determine whether a formal investigation and actioning is warranted or if the concern can be addressed informally.

(13) IRC Officers must consider the following in their assessment:

- a. previous reported incidents or concerns regarding the student's compliance with inherent requirements, pertaining to the student's current enrolment;
- b. the student's degree of compliance with previous informal attempts to resolve the issue in the case of repeated instances of concerns about behaviour or capacity;
- c. the degree or level of risk of harm posed to any person, organisation, or profession by the student's alleged non-compliance with inherent requirements. IRC Officers may refer to the '[Inherent Requirements Compliance - Risk Assessment Guideline](#)' for guidance.

(14) Formal investigation is typically warranted for behaviours/capacity evaluated as moderate or high risk through the '[Inherent Requirements Compliance - Risk Assessment Guideline](#)'.

(15) The IRC Officer may consult with stakeholders such as the DAP, APA, HDR Director or HDR Director to assist in the initial assessment.

(16) School/Institute staff may respond with temporary measures as needed to immediately address risks posed by the student's capacity or behaviour, such as halting appointments for a student on placement.

(17) Where the IRC Officer determines formal investigation is not required:

- a. the reported concern or incident will not result in further formal investigation;
- b. the IRC Officer may at their discretion discuss the concern with relevant University staff to facilitate appropriate informal interventions. These may include minor adaptations to a student's learning activities but cannot prevent the student from engaging in appropriate learning activities;
- c. the IRC Officer must keep records documenting the concern in a secure Content Manager (TRIM) file for the student.

(18) Where the IRC Officer determines that a formal investigation is required, they will refer the matter to an IRC Panel (see Part B).

Part B - Formal Investigation

Inherent Requirements Compliance Panel

(19) Formal investigation will be overseen by a School or Institute-appointed IRC Panel, which will be convened at the

completion of the initial assessment.

(20) IRC Panels must include the following:

- a. at least three members;
- b. the IRC Officer (who will Chair the panel);
- c. the DAP or APA (or their delegate) responsible for the subject, or Associate Dean, Research and HDR or HDR Director if it is a research student;
- d. at least one member from the relevant profession group, where the inherent requirements derive in part from regulatory bodies or accreditation requirements of the program.

(21) The IRC Officer will complete the formal investigation on behalf of the IRC Panel by:

- a. collecting all information and evidence required;
- b. including documented details of reported incidents and concerns (times, dates, reporter details);
- c. including previous informal remediation efforts;
- d. including any risk assessments.

(22) The IRC Officer can seek assistance from relevant business units such as the Complaints Resolution Unit (CRU).

Students on Placement or Practicum

(23) Where a formal investigation is required and the student is on a placement or practicum, or due to commence a placement imminently, the IRC Officer must inform the Placement Coordinator.

(24) In the event of an investigation of a serious nature, the Placement Coordinator may postpone or place on hold the student's placement in accordance with the School/Institute's internal procedures, while awaiting an outcome from the formal IRC investigation.

(25) If a placement is placed on hold or postponed, the School/Institute must inform the student of the IRC investigation process and timeframe.

(26) The student does not have a right of reply or appeal of this decision until invited to reply by the IRC Panel.

Investigation Report

(27) The IRC Officer must prepare an IRC Investigation Report for the IRC Panel within 10 working days of completing the initial assessment.

(28) The IRC Panel will review the IRC Investigation Report to ensure the investigation and report is comprehensive and has:

- a. reviewed reported concerns and incidents;
- b. determined which concerns and incidents are valid for inclusion in the IRC investigation. In most cases, valid concerns are those that relate to the same inherent requirements alleged as not met by the student in the current report;
- c. determined if further advice is required from within or outside the University.

(29) The IRC Panel will update the IRC Investigation Report with any new information, including updating risk assessments collects additional information from relevant parties, if required.

(30) The IRC Panel will review all evidence, taking into consideration:

- a. the apparent contributory factors of the student's behaviour or lack of capacity;
- b. the frequency of the concerning behaviour or lack of capacity;
- c. the student's intent, including evidence of deliberate and premeditated decisions to engage in unprofessional behaviour;
- d. the student's likely ability and preparedness to respond positively to support and remediation;
- e. the student's year and level of experience in the subject or program;
- f. the impact or potential impact of the behaviour on all affected parties, with particular consideration given when children or young people are impacted;
- g. the risks posed by the student engaging in future practical placement;
- h. any remedial action the student has taken to address the concern, or prevent the concern in question from reoccurring, which demonstrates insight into the concern; and
- i. any additional mitigating circumstances.

(31) The IRC Panel will assess if a valid failure of compliance with inherent requirements has occurred.

Determination of Final Outcome

(32) The IRC Panel will determine an appropriate final outcome based upon evidence. Refer to Parts C – F of these procedures.

(33) The IRC Panel may seek additional information from areas, such as the Disability Service, University legal services, or the relevant professional body, in order to determine an appropriate outcome, including informing the development of a Remediation Plan.

(34) The IRC Panel will notify the following people of the outcome:

- a. the student;
- b. the Placement Coordinator, in the case of a placement subject. The Placement Coordinator may then inform the placement organisation/partner, as appropriate;
- c. the reporter who triggered the investigation. The IRC Officer will decide if the IRC Officer will informally notify reporter of outcome or the IRC Panel will formally notify reporter of outcome.
- d. the Subject Coordinator, APA, subject DAP or discipline head, and the Dean, or the Associate Dean, Research or HDR Director if a research student, in order to review the need for subject structural, procedural, or content changes to minimise the likelihood of future inherent requirement issues.

(35) The IRC Panel may decide to submit a mandatory or voluntary report regarding the student's behaviour to relevant regulation bodies. This does not over-ride the responsibilities of individual members of the panel regarding mandatory reporting.

(36) The IRC Panel must ensure all documentation is stored on the University's Record Management System.

Student Right of Reply

(37) If IRC failure is determined, the IRC Panel will prepare a student right of reply.

(38) The student must be contacted within 10 working days of the IRC Panel receiving the IRC Investigation Report from the IRC Officer.

(39) The student must be presented with the collected information and invited to provide a reply within 10 working days of the report being sent.

(40) The student may reply in written form or request a meeting with the IRC Panel.

(41) Where the student requests a meeting, they may bring a support person. The support person may assist the student but not act as an advocate.

(42) The IRC Panel will re-assess the IRC Investigation Report after the student right of reply.

Part C - Outcome: No Action

(43) If the IRC Panel determines any of the following, then no further action is taken:

- a. A failure of inherent requirements compliance is not deemed by the IRC Panel to have occurred; or
- b. There is insufficient evidence to determine if failure of inherent requirements compliance has occurred; or
- c. After student right of reply, the IRC Panel deems no further action is necessary.

(44) All collected information must be stored in a secure file in the University's Record Management System.

(45) The IRC Panel must inform the Placement Coordinator to remove any temporary restrictions on learning activities and inform the student, if needed.

Part D - Outcome: Remediation Plan

(46) A Remediation Plan will result from a formal investigation when:

- a. a failure of IRC has been confirmed through formal investigation; and
- b. the student's behaviour is not due to misconduct (see Part G below); and
- c. there are reasonable adjustments and/or remediation tasks or actions that may enable a student to meet inherent requirements or regain compliance with inherent requirements within a defined timeframe.

(47) Remediation Plans may include one or more outcomes, including implementing reasonable adjustments, a study pause or remediation actions.

Reasonable Adjustments

(48) Where the non-compliance with inherent requirements is due to a health condition or disability impacting the student's capacity, an Academic Reasonable Adjustment Plan (ARAP) and Placement Reasonable Adjustment Plan (PRAP) for placement subjects may be developed in consultation with the Disability Service. These plans must be agreed to by the student and other required parties. Refer to the [Disability Policy](#) and [Placement Policy](#) for more information.

(49) Where the non-compliance with inherent requirements is due to factors other than capacity, other adjustments determined by the School or Institute and agreed to by the student may be adopted. Examples include:

- a. additional supervision or mentoring;
- b. attending support meetings;
- c. increased monitoring of student performance;
- d. attending additional workshops or classes;
- e. completing an additional assessment task or workbook;
- f. completing an additional period of supervised practice.

(50) Where reasonable adjustments can re-establish a student's compliance with inherent requirements for a given

subject, the student's study in that subject will not be paused.

(51) For placement subjects with reasonable adjustments in place, the student will:

- a. remain in the current placement or is rescheduled into a new placement if needed;
- b. retain hours logged in the current placement(s). Where possible, hours are carried over in the case of a transition to an equivalent placement; and
- c. continue to be scheduled into future placement(s) where the reasonable adjustment is agreed to by the student and other required parties.

Study Pause

(52) For subjects in which a student's non-compliance with inherent requirements poses an unacceptable level of risk that cannot be addressed through reasonable adjustments, the IRC Panel may pause, or continue the decision on a School/Institute level to pause, the student's study by:

- a. prohibiting the student from engaging in learning activities in currently registered subjects specified in the Remediation Plan. This includes withholding a student from attending placements in placement subjects; and/or
- b. prohibiting the student from registering or re-registering in subjects specified in the Remediation Plan, where those subjects are dependent upon the same inherent requirement(s) that were the subject of the present investigation. Also refer to the [Enrolment Policy](#).

(53) Where the student is currently registered in a placement subject that has been paused:

- a. the student's current placement(s) is cancelled;
- b. the student loses hours logged in the current placement(s); and
- c. the student's future placement(s) within the subject is put on hold.

(54) Where an IRC Panel decides to include study pauses in a Remediation Plan, they must provide detailed justification for this decision and limit study pauses only to those subjects and subject activities required to mitigate identified risks.

(55) Study pauses only apply while a Remediation Plan is in effect.

(56) Where a student's study in a subject has been paused, if remediation has not successfully reinstated the student's compliance with inherent requirements and allowed successful completion of subject learning outcomes by the end of the term, the student will receive a status applied to the subject giving the reason for the un-finalised grade until the Remediation Plan is completed.

(57) All study pauses in a Remediation Plan will be lifted if the IRC Panel determines that the student has satisfactorily regained compliance with inherent requirements.

(58) While a student is still enrolled in the program, they may submit a written petition to remove study pauses to the IRC Panel, before they commence any University study period. Petitions must include new evidence demonstrating that the student has regained compliance with inherent requirements.

Remediation

(59) An IRC Panel may list additional actions or tasks the student must complete in order to regain compliance with inherent requirements. Examples include (but are not limited to):

- a. attending external (non-University) counselling or psychological therapy;

- b. completing a specified treatment;
- c. taking leave (actioned under the [Medical Assistance Policy](#));
- d. completing further education or assessment;
- e. writing a letter of apology to aggrieved parties;
- f. attending support meetings.

(60) Remediation actions are decided by the IRC Panel and are mandatory. While students are consulted regarding remediation actions, an IRC Panel's decision regarding remediation actions is final.

(61) Student refusal to comply with remediation actions specified in a Remediation Plan may be considered as a failure of the Remediation Plan to have re-established compliance with inherent requirements and actioned as a 'Subject fail' outcome (see Part E below).

Review of Remediation Plans

(62) A Remediation Plan must include a defined timeframe, after which a review of the student's compliance with inherent requirements is carried out by the IRC Panel.

(63) Review timeframes within a Remediation Plan will not exceed 12 months.

(64) The student must request the review by the IRC Panel once the remediation timeframe has ended.

(65) Where the IRC Panel has substantial evidence or reason to require further information to inform the selection of an appropriate outcome, the IRC Panel may require the student to undergo an independent assessment, at the expense of the University, by a person or persons nominated by the IRC Panel. Where the case relates to a serious health condition this will be actioned under the [Medical Assistance Policy](#).

(66) Where the review determines the student has re-gained compliance with inherent requirements:

- a. study pauses and enrolment restrictions will be removed;
- b. the IRC Panel may specify additional skills refresher content the student must complete; and
- c. where un-finalised grade has been assigned to the student, the IRC Panel will determine whether the student is able to complete the subject within the current subject registration or will need to re-register in the subject. The student's final grade will be updated accordingly.

Part E - Outcome: Subject Fail

(67) A subject fail will result from a formal investigation when the Remediation Plan has failed to reinstate the student's IRC within agreed timeframes.

(68) The outcome for a currently enrolled placement subject in which the student has failed to maintain the inherent requirements will include:

- a. current and future placement(s) in the subject will be cancelled;
- b. hours logged in the current placement(s) will be lost;
- c. a Practicum Fail (PF) grade will be applied to the subject. Refer to the [Assessment Policy](#) for more information.

(69) The student will receive a Compulsory Fail (CF) grade as the outcome for a currently registered subject that is not a placement subject in which the student has failed to maintain the inherent requirements. Students will not be able to request a Supplementary Assessment under the [Assessment Policy](#) in these circumstances.

(70) If the subject does not have a CF grade, an equivalent fail grade will be applied.

(71) Where a failed subject is a compulsory component of the student's program, the student will be offered an alternative exit (refer to the [Curriculum Design and Approvals Policy](#)) or program transfer (refer to the [Program Transfer Policy](#)) if available. If none are available or the student refuses, the student will be withdrawn from the program.

Part F - Outcome: Misconduct

(72) A misconduct outcome will result from a formal investigation when the IRC Panel determines the student's non-compliance with inherent requirements was due to misconduct.

(73) For placement subjects, the student's current and future placement(s) in the subject will be cancelled. The student will lose hours logged in the current placement(s).

(74) Further actions will be determined under the [Student Misconduct Rule](#).

Part G - Right of Appeal

(75) Students may apply for an appeal on the grounds and in accordance with the [Academic Appeals Procedures](#).

Part H - Annual Review

(76) The IRC Officer in each School/Institute must provide a deidentified bi-annual review of inherent requirements concerns and outcomes as part of the Annual Program Review process, to inform:

- a. the need for a variation to inherent requirements, subject learning outcomes, placement requirements or other elements as relevant;
- b. systems and processes through which prospective and current students are informed of, and reminded of, the inherent requirements of their program;
- c. the process of assessing prospective students' ability to maintain inherent requirements throughout their enrolment in the program;
- d. other School/Institute processes, as needed.

Section 5 - Guidelines

(77) [Inherent Requirements Compliance - Risk Assessment Guideline](#) - a starting guide to inform IRC Officer and IRC Panel decisions around risk when assessing concerns regarding a student's compliance with program inherent requirements.

Status and Details

Status	Current
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Glossary Terms and Definitions

"Program" - A program of study consisting of at least four subjects or 40 credit points leading to an award of the University (Foundation Studies Program, Undergraduate Preparation Program, Diploma, Advanced Diploma, Undergraduate Certificate, Associate Degree, Bachelor Degree, Bachelor Honours Degree, Graduate Certificate, Postgraduate Certificate, Graduate Diploma, Postgraduate Diploma and Masters by Coursework Degree) which when successfully completed is conferred on the graduand by the Board of Trustees.

"Subject" - The subject of study in a program in which a student enrolls.

"Term" - A session at the University that runs for a set length of time during which teaching and assessments occur.

"Content Manager (TRIM)" - The University's Electronic Document and Records Management System (EDRMS).