

Fitness to Study Procedure

Section 1 - Governing Policy

(1) This Procedure is governed by the [Fitness to Study Policy](#).

Section 2 - Procedural Fairness and Conduct of Proceedings

(2) Any person or committee that exercises any power or carries out any function under the [Fitness to Study Policy](#) and / or this Procedure must treat the subject matter in confidence, except as necessary for the discharge of the responsibilities of that person or committee or as otherwise required by law.

(3) Any person or committee handling a fitness to study concern must manage the matter in a manner that is procedurally fair. They will:

- a. act fairly, without bias and in accordance with the [Fitness to Study Policy](#) and this Procedure;
- b. determine the matter on the basis of the documentation brought forward by the student and the University;
- c. deal with the matter as expeditiously as possible, consistent with the need to act fairly;
- d. not be bound by legal technicalities or the rules of evidence in the way it conducts any investigation or hearings;
- e. not fewer than five working days before the day on which any meeting or a hearing is to be conducted and subject to clause (8) of the [Fitness to Study Policy](#), give the student a copy of, or an opportunity to inspect, any material in existence at that time and on which the Fitness to Study Committee may rely;
- f. give the student a reasonable opportunity to respond to a concern about their fitness to study in writing; and
- g. assess whether the student is fit to study, and if not, given all the circumstances of the case, determine whether to place conditions on, terminate or cancel the student's enrolment in a program or unit in accordance with Section 9 of the [Fitness to Study Policy](#).

(4) The proceedings of any hearing will be procedurally fair. The Fitness to Study Committee will:

- a. give the student the opportunity to appear before the committee in person;
- b. give the student at least five working days' written notice of the date, time and mode (virtual or in-person) of any hearing;
- c. permit the student to be accompanied by a support person as defined in Section 7 of the [Fitness to Study Policy](#);
- d. permit the student and any support person whom the student appoints to be present throughout the hearing, except where the members of a Fitness to Study Committee wish to confer privately among themselves or to consider their decision;
- e. conduct any hearing in closed session;
- f. manage any actual or reasonably apprehended risk of harm.

(5) The Chair of the Fitness to Study Committee may agree to a request in writing from the student at any time to extend the limits referred to in this procedure or to reschedule the date, time and mode for a hearing, with consequential adjustment to the associated timelines.

(6) The time limits prescribed for the taking of any actions or steps referred to in this procedure may be extended by the Chair of the Fitness to Study Committee, noting that the [Education Services for Overseas Students Act 2000 \(Cth\)](#) and [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#) require notification of the intended action to an international student in writing within 10 working days. The student must be advised in writing of any delay.

(7) A Fitness to Study Committee may exercise its discretion to proceed with a matter:

- a. when the student and / or the student's support person does not appear for any meeting or hearing at the time and / or place notified to them; or
- b. where the student has not provided information, including medical reports, requested by the Committee; or
- c. where the student has not attended a medical examination in accordance with clause (31); or
- d. otherwise has not cooperated with the Fitness to Study Committee's requests or proceedings.

(8) The Office of the Academic Registrar will maintain a written record of all proceedings in accordance with Section 10 of the [Fitness to Study Policy](#).

Section 3 - Reporting a Fitness to Study Concern

(9) Where any member of staff detects or is made aware of a student's concerning behaviour or exhibited symptoms which may be the result of a health condition, the staff member will report the matter to the relevant Head of School or Director.

(10) Where the Head of School has reasonable grounds for believing that a student's concerning behaviour or exhibited symptoms might be the result of a health condition that may affect their fitness to study, they will report their concern to the Office of the Academic Registrar.

(11) Where a student's concerning behaviour or exhibited symptoms occur during a professional experience placement, the student should be withdrawn from their placement by the Head of School under the [Academic Regulations](#) where required. A concern about a student's fitness to study may be reported to the Office of the Academic Registrar in parallel or subsequent to the action taken by the School to withdraw the student.

Section 4 - Situation of Serious Risk Requiring Interim Suspension

(12) Where the person who reported their concern and / or the Academic Registrar believes there is a serious risk requiring interim suspension of a student, the Office of the Academic Registrar will take action to request an interim suspension order in accordance with this section.

(13) An interim suspension order may only be imposed by the Provost or the Chief Operating Officer.

(14) An interim suspension order may be imposed on a student in circumstances where a student's concerning behaviour or exhibited symptoms raises a reasonable concern the order is necessary to avert a substantial risk of:

- a. injury, harassment or serious detriment to a person; or
- b. serious damage to property the University's information assets or information technology resources; or
- c. serious detriment to the interests or reputation of the University; or
- d. serious disruption of a University activity.

(15) A student may be suspended from all or part of:

- a. attendance at any University premises; and / or
- b. engagement in any University activity; and / or
- c. any authorised cross institutional study, exchange or study abroad.

(16) Before imposing an interim suspension order, the Office of the Academic Registrar must make a reasonable effort, having regard to the seriousness and urgency of the risk, to provide the student with an opportunity to respond and say why the suspension or other action is not warranted or should be varied.

(17) The Office of the Academic Registrar must, within 24 hours of the Provost or the Chief Operating Officer's decision, provide a written notice to the student advising:

- a. the terms of the decision;
- b. the reason for the decision;
- c. when the interim suspension order will take effect; and
- d. the provisions of the [Fitness to Study Policy](#) and these Procedures.

(18) Where a decision has been made to impose an interim suspension order under this Section, the Office of the Academic Registrar must:

- a. advise the Provost or Chief Operating Officer, who did not make the decision; and
- b. refer the matter for hearing by a Fitness to Study Committee within one working day.

(19) The interim suspension order will continue until either:

- a. 10 working days have passed since the notice is given, and the Fitness to Study Committee has not held its first meeting; or
- b. the Provost or the Chief Operating Officer is satisfied that the risk that necessitated it has passed; or
- c. the order is rescinded, or amended, by the Fitness to Study Committee; or
- d. a decision is made by the Fitness to Study Committee.

Section 5 - Preliminary Inquiry

(20) On receipt of a concern about a student's fitness to study, the Office of the Academic Registrar will:

- a. refer the matter to a Campus Dean to undertake a preliminary inquiry under this section; and
- b. advise the relevant Executive Dean and Director, Student Experience that a report has been received.

(21) The Campus Dean will make preliminary inquiries to decide whether there is sufficient evidence in support of the concern to proceed to a fitness to study investigation by considering such matters relating to the student's health condition as they determine appropriate, including:

- a. any statements from the student's lecturers, supervisors, tutors or other staff or students who may have

information relevant to the matter;

- b. where a student consents, information provided by counsellors or disability advisors;
- c. where a student consents to their provision, medical reports related to the student's health condition; and / or
- d. seeking informal clarification from the student about their health condition.

(22) The preliminary inquiry must be concluded within five working days of receiving the concern about a student's fitness to study.

(23) As a result of the preliminary inquiry the Campus Dean must make a recommendation to the Academic Registrar that:

- a. there are insufficient or no reasonable grounds for believing that the student has a health condition that affects their fitness to study and that proceedings under the [Fitness to Study Policy](#) should be discontinued; or
- b. a Fitness to Study Committee should be convened to review the matter.

Section 6 - Fitness to Study Investigation

(24) Where a preliminary inquiry by the Campus Dean has determined the matter should be referred to a Fitness to Study Committee, the Office of the Academic Registrar must, within five working days issue a written notice to the student.

(25) The notice must:

- a. set out the grounds for believing that the student has a health condition that may affect their fitness to study;
- b. include a copy of any substantive material upon which the decision will be made, including all information available to the Fitness to Study Committee;
- c. outline the potential consequences of a finding that the student has a serious health condition that affects their fitness to study;
- d. provide the student with an opportunity to make a written submission and / or appear before the Committee;
- e. detail the procedural fairness provisions of clauses (3) and (4);
- f. refer the student to the [Fitness to Study Policy](#) and this Procedure; and;
- g. notify the student of the nominated student services support staff member and the availability of confidential, independent advice from the Student Advocacy Service.

(26) The Chair of the Fitness to Study Committee may, at their discretion, permit the student to seek, additional time of normally no more than five additional working days to prepare their response to the notice.

(27) If the student has been admitted to hospital at the time of issue of the notice, the Chair of the Fitness to Study Committee may, at their discretion, grant the person such additional time to respond as they determine.

(28) If a student wishes to provide a response, they must respond within five working days, or extended period approved by the Chair of the Fitness to Study Committee under clauses (26) or (27).

(29) Any response by the student must:

- a. unless otherwise indicated in the notice, be in writing;
- b. provide the student's preferred contact details to be used during any investigation of their health condition;
- c. provide a response to the report and the grounds for the concern that they may have a health condition that affects their fitness to study;

d. include copies of any supporting medical report or evidence on which the student relies.

(30) The Fitness to Study Committee must review the student's response in conjunction with other information available to the Committee.

(31) If the Fitness to Study Committee has reasonable grounds for believing that any available medical report does not provide a sufficient basis from which to draw reasonable conclusions regarding the student's fitness to study, they may require the student to undergo a medical examination, at the expense of the University, by a medical practitioner nominated by the University and may specify the timeframe within which such examination must be undertaken.

Section 7 - Decision by the Fitness to Study Committee

(32) After the Fitness to Study Committee has considered all material relevant to the case, including any submission made by the student, the Fitness to Study Committee must determine:

- a. whether that student has a health condition that affects their fitness to study; and
- b. any actions that will be taken under Section 9 of the [Fitness to Study Policy](#) to place conditions on, terminate or cancel the student's enrolment in a program or unit.

(33) The Chair of the Fitness to Study Committee must advise the Academic Registrar of the decision on the matter within five working days of the:

- a. Fitness to Study Committee's meeting; or
- b. receipt of the report on the medical examination where requested under clause (31).

(34) If the student voluntarily withdraws from their program of study, the Chair of the Fitness to Study Committee may close the matter.

(35) The decision of the majority of the Fitness to Study Committee members will apply.

Section 8 - Notification of Decision

(36) The Office of the Academic Registrar must, within five working days the Fitness to Study Committee's decision, advise the student in writing of:

- a. the process undertaken;
- b. the decision reached;
- c. the reason(s) for that decision;
- d. the right to appeal under Section 9 of this Procedure.

(37) The Office of the Academic Registrar will provide the outcome of the fitness to study investigation to all other relevant parties involved in the process, including any student support services and such other officer(s) of the University that may need to take action as a result of the decision. The summary will not include any sensitive information or the personal information of the student except where this is required for the relevant action to be taken.

Section 9 - Appeals

(38) Any student wishing to appeal a fitness to study decision may appeal to the University Appeals Committee in accordance with the [Student Appeals Policy](#).

Section 10 - Associated Information

(39) For related legislation, policies, procedures and guidelines and any supporting resources please refer to the Associated Information tab.

Status and Details

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Effective Date	19th December 2023
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Responsible Executive	Cheryl Fullwood Academic Registrar
Responsible Manager	Gerard Goodwin-Moore National Manager, Student Policy and Appeals
Enquiries Contact	Kerry Blair Policy and Projects Officer <hr/> Student Administration