Fitness to Study Policy

Section 1 - Purpose

(1) The purpose of this Policy is to provide a framework and procedurally fair practices for dealing with a student with a health condition that may affect their fitness to study.

Section 2 - Policy Scope

(2) This Policy applies to all students of the University where a student's health condition is:

a. adversely impacting their progress in a course or unit; and
b. requires adjustments or facilities that cannot reasonably be provided; or
c. creates a reasonably apprehended risk of adverse consequences for themselves or any member of, or visitor to, the University.

(3) This Policy excludes:

a. any allegation of student misconduct which will be managed under the Student Conduct Policy; and
b. temporary health conditions that may impact on a students' ability to attend a professional experience placement which will be managed under the relevant School's fitness to practice processes.

Section 3 - Principles

(4) All actions under this Policy are to be based on values that are consistent with the ACU Mission, Identity and Values and to be underpinned by principles of mutual respect and procedural fairness for and by all students, staff and others who may be involved.

(5) When exercising powers under this Policy, the relevant officer will comply with its legal obligations, in particular with anti-discrimination and workplace health and safety legislation, and relevant judicial decisions of any state-based independent statutory authority.

Section 4 - Definitions

(6) Terms used in this Policy and the Fitness to Study Procedure are consistent with the Glossary of Student and Course Terms. The following specific definitions also apply:

Term	Definition
Medical examination	Medical examination means an examination by a registered medical practitioner

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Medical reports	Medical reports means reports on the student's health condition provided by a registered medical practitioner (doctor, including psychiatrist or other specialist) or any other health or allied health practitioner to whom the student has been referred by a registered medical practitioner
Notifiable disease	Notifiable disease means a health condition notifiable under any relevant state, territory or federal legislation
Health condition	Health condition includes: 1. an illness, condition, notifiable disease, or disability for which the student requires adjustments or facilities that in the circumstances of the case cannot reasonably be provided and without which: • the student or any other person may be physically endangered; or • the student would not be able to demonstrate the capabilities, knowledge and skills to achieve the learning outcomes of a course or unit. 2. an illness, or physical or mental health condition, including any notifiable disease, that creates a reasonably apprehended risk that any of the following consequences may ensue on University premises, online or during university endorsed activities: • physical injury to the student concerned or any other person; • harassment of any member of, or visitor to, the University; • serious disruption to academic or other activities; or • serious damage to property.
Visitor to the University	Visitor to the University means any person lawfully on University premises

Section 5 - Formal Communications

(7) The provisions of the Academic Regulations regarding formal communications with students will apply to communications issued under this Policy.

(8) If any officer or Fitness to Study Committee has reasonable grounds for believing that the receipt of correspondence or any other material may adversely affect the health of a student, the Fitness to Study Committee may obtain advice, including medical or other professional advice, on the most appropriate method for issuing correspondence or making any other material available to the student.

Section 6 - Grounds for Undertaking a Fitness to Study Assessment

(9) A fitness to study assessment will be made where a student's health condition may:

a. impact adversely on a student's capacity to demonstrate the capabilities, knowledge and skills to achieve the learning outcomes of a course or unit; and
b. impose the necessity for adjustments or facilities that cannot reasonably be provided; or
c. create a reasonably apprehended risk of adverse consequences as prescribed in the definition of Health Condition in Section 4 of this Policy.

(10) Any report of a health condition that may affect a student's fitness to study will be managed with in accordance with the Fitness to Study Procedure.

Section 7 - Support During a Fitness to Study Investigation

(11) A student may seek confidential, independent advice from the Student Advocacy Service at any stage.

(12) Where appropriate, the Director, Student Experience and Enhancement may nominate a relevant staff member to provide the student with optional care and support. This support will be free and confidential.

(13) In any discussions, interview or hearing in which a student participates during any process under this policy, the student may, at their discretion, be accompanied by one other person whom the student designates as their support person.

(14) A support person may not be a person:

a. with a qualification in law; or
b. who was involved in or associated with the matter under review.

(15) Aboriginal and/or Torres Strait Islander students may:

a. designate an Aboriginal and/or Torres Strait Islander person as their support person, other than a person with a qualification in law; and/or
b. seek cultural support of Aboriginal and/or Torres Strait Islander staff through ACU's Indigenous Higher Education Units.

(16) A support person may speak where required for reasons of clarification but may only make submissions on behalf of a student if invited to do so by the responsible officer or committee dealing with the matter.

Section 8 - Composition and Constitution of a Fitness to Study Committee

(17) A Fitness to Study Committee will be appointed by the Academic Registrar and will comprise:

a. the Executive Dean, Deputy Dean or Associate Dean of the relevant Faculty as Chair;
b. the Director, Student Experience and Enhancement; and
c. a member of academic staff from the academic discipline in which the student has been enrolled.

(18) A Fitness to Study Committee will not include:

a. any member of the Senior Executive;
b. any member of staff who has made a determination directly related to the matter;
c. a person who has treated the student for the health condition in question; or
d. a person who has given advice to the student in relation to the matter.

(19) A quorum of the Fitness to Study Committee is all three members.

(20) The Academic Registrar will appoint a secretary to the Fitness to Study Committee. A staff member may also be appointed to provide confidential procedural advice. These staff members are not entitled to vote.

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Section 9 - Fitness to Study Actions

(21) A Fitness to Study Committee may determine that a student:

a. is permitted to resume or continue their enrolment in a program or unit;
b. is permitted to resume or continue their enrolment in a program or unit with conditions imposed under clause (22);
c. is excluded for a period of up to two standard study periods with conditions placed on readmission or return to study under clause (24), where required; or
d. will have their enrolment cancelled.

(22) Where a student is permitted to resume or continue their enrolment in a program or unit with conditions, the conditions that must be satisfied may include any, or all, of the following:

a. following medical, behavioural or other specified directions, including taking medication;
b. an interruption of studies for no less than one and no more than two standard study periods.

(23) Where a student is not permitted to continue or resume their enrolment in a program or unit, the decision must include:

a. the duration of any period of exclusion before which the student will be considered for admission, or resumption of their enrolment in a program or unit;
b. any conditions imposed under clause (24) to be met by the student before any future application for admission or resumption of enrolment in a program or unit will be considered by the University.

(24) The conditions that may be imposed for any readmission or return to study include:

a. a fitness to study report or other suitable medical or professional evidence provided no less than 14 days and no more than 30 days prior to the return to study date; and/or
b. evidence that the student has and will engage with ongoing support provided either by an external agent or the University to manage their studies and interactions with the University community; and/or
c. evidence that specific activities have been, or are being, undertaken to support the student.

(25) If a student breaches any condition imposed at clause (22), the Fitness to Study Committee Chair may, after giving the student an opportunity to make a submission:

a. affirm the existing conditions; or
b. impose alternative conditions; or
c. withdraw the student from the unit; or
d. exclude the student from the program.

(26) If a student's enrolment in a program or unit is cancelled or the student withdraws from a program or unit following a determination under this policy:

a. the Academic Registrar will relieve the student of liability, which may include a refund of monies already paid, for any Higher Education Loan Program (HELP) debt (FEE-HELP or HECS-HELP) or their student contribution or tuition fees in the current study period; and
b. the Head of School will grant the student a WW grade (Withdrawn Without Academic Penalty) for the unit/s in the current study period.

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Section 10 - Record Keeping and Reporting

(27) The Academic Registrar must keep a record of all investigations and decisions taken under this Policy and of the supporting documentation taken into consideration in reaching those decisions.

(28) Where a student is assessed as unfit to study, these records will form part of the student's confidential student file and be subject to the Privacy Policy. They may be made available:

a. to persons within the University if, in the opinion of the Academic Registrar, they have a legitimate need to know; and
b. to persons outside the University in response to a court order, warrant or subpoena; and
c. to the relevant professional and registration authority where the University has mandatory reporting requirements under the relevant legislation.

(29) All documentation and correspondence between the University and the student under this Policy is retained by the University in accordance with the Records and Archive Management Policy and disposed of according to the University's Records Retention and Disposal Schedule.

Section 11 - Revisions made to this Policy

(30) The revision table includes revisions up until this document was migrated into the current policy platform. Any later changes will show in the Status and Details tab.

Date	Major, Minor or Editorial	Description of Revision(s)
26 June 2019	Major	Policy statements have been separated from procedural matters which are now included in a new set of Procedures.
2021	Minor	
April 2023	Minor	Position and policy titles have been updated.
15 November 2023	Major	Policy retitled from Serious Health Concerns Policy and aligned more closely with the Student Conduct Policy.
27 March 2024	Minor	Changes to the Procedure reflect where administrative processes are undertaken by the appeals, complaints and conduct team in the Office of the Academic Registrar rather than by the Academic Registrar.

Section 12 - Associated Information

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

Status and Details

Status	Current
Effective Date	19th December 2023
Review Date	1st May 2028
Approval Authority	Health Appeals Committee
Approval Date	19th December 2023
Expiry Date	Not Applicable
Responsible Executive	Helen Murnane Academic Registrar
Responsible Manager	Gerard Goodwin-Moore National Manager, Student Policy and Appeals
Enquiries Contact	Annette Dennis Coordinator, Complaints and Conduct Student Administration