

# Fitness For Study Policy

## Section 1 - Purpose and Scope

### Purpose

(1) This Policy details the University's approach to managing a student's enrolment when a concern is raised about the student's health and wellbeing, including behaviours that may be considered unsafe to themselves or others.

### Scope

(2) This Policy applies to domestic and international undergraduate and postgraduate coursework students.

(3) This Policy does not apply to higher degree by research students.

## Section 2 - Definitions

For the purposes of this Policy, the following definitions apply:

(4) Fit to Study - when a student:

- a. Is able to function independently and participate in the University's learning and research environments; and
- b. Has mental or physical needs which do not unduly disrupt or adversely impact the learning, research or work of others in the University community.

(5) Unfit to Study - when a student:

- a. Poses a substantial risk to their own health, safety and wellbeing or that of others;
- b. Adversely affects the teaching, learning or experience of other students;
- c. Adversely affects the day-to-day activities of the University, its staff, a placement provider, partner institution or work integrated or learning activity; or
- d. Requires support beyond the services which the University can reasonably be expected to provide either directly or indirectly.

(6) Required Leave is form of enforced leave from study with the purpose of providing a compassionate and appropriate temporary break from study.

## Section 3 - Policy Statement

(7) The University is committed to supporting the safety, health and wellbeing of its students and recognises that a positive approach to the management of physical and mental health issues is critical to student learning, academic achievement and to the overall student experience.

(8) The University promotes strategies for proactive, early intervention and active collaboration between students and staff to provide students with the best opportunity to complete their studies.

(9) Students are encouraged to contact the Student Safety Support and Wellbeing Coordinator if experiencing general difficulties in coping with study, or their course coordinator, placement officer or Counselling Services.

(10) The University recognises there may be instances when a student's physical or mental health may give rise to concerns about whether they are Fit to Study and in these circumstances the option of implementing Required Leave will be considered.

(11) Required Leave is a measure of last resort, expected to be applied only after all other relevant supportive strategies have been considered.

(12) The purpose of Required Leave is primarily supportive and the intent is, where possible, to avoid actions leading to penalties for students with serious health issues underlying their behaviour. However, placing a student on Required Leave does not exclude the possibility that conduct leading to Required Leave may also be subject, at the same time or later, to action under other University procedures.

(13) The period of Required Leave imposed will not typically exceed a year.

(14) Required Leave will be managed in a timely manner, following all due processes and without undue delays.

## **Section 4 - Approval Authorities**

(15) The Deputy Vice Chancellor (Students) is responsible for determining whether students are to be placed on Required Leave.

(16) The Pro Vice Chancellor (Academic Quality) is responsible for reviewing requests against a determination of Required Leave.

## **Section 5 - Procedures**

### **Level 1 - Informal Student Wellbeing and Safety Concern**

(17) Any staff member concerned about a student's behaviour may:

- a. Informally discuss with the affected student, the symptoms, actions or patterns of behaviour that are causing a concern to themselves or other and suggest contacting the Student Safety Support and Wellbeing Coordinator for information on support services.
- b. Informally report student wellbeing and safety concerns to a responsible staff member such as the Student Safety Support and Wellbeing Coordinator, a course coordinator or placement officer who will initiate contact with the student and discuss concerns raised.

### **Level 2 - Referral to Deputy Vice Chancellor (Students)**

(18) If a staff member remains seriously concerned that the student is Unfit for Study, they should refer their concerns to the Office of the Deputy Vice Chancellor (Students) providing the following information:

- a. Details of the concern or incident that occurred (what, when, where and any relevant background information including the relationship between the person making the report and the student, and whether concerns relate to a 'one off incident' or a recurring behaviour).
- b. Any actions taken at Level 1 to resolve the concern including whether those actions have been successful.
- c. Any contact with the student who is the subject of concern; and
- d. Any contact with University staff regarding the incident and any outcomes.

(19) A preliminary assessment to determine whether the student's behaviour requires further investigation and action will be conducted by the Associate Deputy Vice Chancellor (Students).

(20) The Associate Deputy Vice Chancellor (Students) will seek further information and advice from:

- a. Chief International Officer and relevant staff at the International Office (for international students);
- b. Relevant Dean/Head of School;
- c. The Office of Pro Vice Chancellor (Academic Quality), if a potential non-academic student misconduct matter.

(21) The preliminary assessment may recommend that additional support measures be put in place for the student.

(22) If the preliminary assessment concludes that no further action is required, the referring staff member will be advised accordingly.

(23) If the preliminary assessment recommends further investigation, the matter can be handled as either:

- a. Non-academic student misconduct, and referred to the Office of Pro Vice Chancellor (Academic Quality) and managed in accordance with the Student Academic and Non Academic Misconduct Rules.
- b. Potential Required Leave, and handled under this Policy.

(24) If the preliminary assessment concludes that the behaviour is potentially a Required Leave issue, the student will be notified that issues regarding their behaviour have been raised and referred to the Deputy Vice Chancellor (Students).

(25) All communications to students will be sensitive and supportive to the student's situation and be managed in strict confidence and in compliance with the Privacy Policy.

(26) The notification to the student will:

- a. Outline the nature of the concerns raised.
- b. Invite the student to provide further information, including the option to present medical evidence that they are Fit for Study. Information can be provided by email, telephone or meeting. If the student meets with the Deputy Vice Chancellor (Students), the student may be accompanied by a support person, who may be a Student Advocate, but not a legal representative.
- c. Recommend the use of University support services or to seek external expert, qualified support.
- d. Remind the student of their option to take a Leave of Absence and provide details of the process to do so.
- e. Inform the student that they may be requested to undergo a medical examination to prove they are Fit to Study.
- f. Provide the website link to this Policy.

(27) The notification to the student will be copied to the relevant Head of School and the Chief International Officer(international students only).

(28) On the basis of what is in best interests of the student and others the Deputy Vice Chancellor (Students) will consider all available information, and after consultation with the International Office and Head of School (as relevant), determine whether the student should:

- a. Remain enrolled without conditions; or
- b. Remain enrolled with conditions; or
- c. Be asked to provide evidence of being Fit to Study; or
- d. Be referred to the non-academic misconduct process or another University process.

### **Level 3 - Fitness for Study Concern**

(29) If the Deputy Vice Chancellor (Students) determines the matter is a potential Required Leave, the student will be asked to undergo a medical examination to establish whether the student is Fit to Study.

(30) The medical examination will be undertaken by an independent registered health professional chosen by the University and at the expense of the University.

(31) The medical examination will normally be required within two weeks of the date the notice is given.

(32) A copy of the medical report made by the medical specialist will be made available to the University and the student.

### **Determination of Required Leave**

(33) If the student declines to undertake a medical examination the Deputy Vice Chancellor (Students) may determine that the student be placed on Required Leave.

(34) If the medical examination does not establish that the student is Fit to Study, the Deputy Vice Chancellor (Students) may determine to:

- a. Place the student on Required Leave; or
- b. Allow the student to remain enrolled with conditions.

(35) If the determination is to impose Required Leave, the Deputy Vice Chancellor (Students) will notify the student of:

- a. The period of Required Leave;
- b. Any conditions for re-enrolment; and
- c. The process to request a review of the determination.

(36) If the determination is to impose enrolment with special conditions, the Deputy Vice Chancellor (Students) will notify the student:

- a. Details of the special conditions;
- b. The duration of the enrolment period with special conditions; and
- c. The process to request a review of the determination.

## **Section 6 - Administration Requirements**

(37) In order that all appropriate follow up administrative processes are undertaken, the correspondence to the student will be copied to:

- a. Director, Student Administration Services;
- b. Relevant Head of School;
- c. International Student Manager (international students only) to ensure that implications of visa requirements are addressed;

(38) A determination to place a student on Required Leave will take effect immediately unless otherwise specified. However in the case of an international student, Leave will not take effect until any appeal process has concluded (as required by Standard 13.4 of the National Code).

## **Academic and Financial Penalties**

(39) If Required Leave is imposed after the census date and there is no action pending under Student Misconduct Rules, a student will be permitted to discontinue courses without academic penalty and without financial penalty.

(40) Discontinued courses ('W' grade) will not be recorded on the student's formal academic transcript.

(41) Being placed on Required Leave does not relieve students of other financial obligations incurred prior to the leave being imposed, such as library fines or accommodation fees (subject to the provisions of the Southern Cross University Residential Licence or other affiliated accommodation agreement).

### **Access to University services while on Required Leave**

(42) A student on Required Leave will be subject to the same restrictions that apply to students temporarily excluded, unless the Deputy Vice Chancellor (Students) determines otherwise.

(43) Any continued residence in University accommodation during Required Leave continues to be subject to the terms of the agreement normally covering that residence, including terms relating to termination of agreement and to enrolment status.

### **Return to University following Required Leave**

(44) Unless permitted by the Deputy Vice Chancellor (Students) a student on Required Leave will not be re-enrolled until the period of Required Leave has expired and any conditions for return have been satisfied.

(45) Two months prior to the expiry of Required Leave, the student will be sent a reminder notification of the date they will be eligible to re-enrol.

## **Section 7 - Request Review of Required Leave**

(46) Students may request that the Required Leave or restrictions on enrolment be reviewed.

(47) Requests should be submitted to the Office of the Pro Vice Chancellor (Academic Quality) and be supported by new medical information.

(48) The decision of the Pro Vice Chancellor (Academic Quality) is final within the University.

(49) The student will be notified of the outcome of the request for review within 20 days and that, if dissatisfied, they have a right to access an external review process through the [NSW Ombudsman Office](#).

## **Section 8 - Record Keeping and Confidentiality**

(50) Documentation must be kept at all stages of the Required Leave process, including records of meetings, discussions, reviews and actions proposed or taken.

(51) All actions under this Policy are subject to normal statutory and University policy obligations relating to recordkeeping.

(52) All parties involved in a case, including any request for review, are to maintain confidentiality. Information and records regarding a Required Leave matter are not to be divulged to anybody without direct involvement in the case with the following exceptions:

- a. Where breach of confidentiality is justified by serious and imminent threat of harm to a person or persons;

- b. Where there is a legal obligation that overrides this confidentiality provision.

## Section 9 - Associated Documents

(53) The Policy should be read in conjunction with the:

- a. [Code of Conduct](#)
- b. [Student Rights and Responsibilities Charter](#)
- c. [Rules - Student Academic and Non Academic Misconduct Rules](#)
- d. [Rules relating to Awards - Rule 2](#) - Section 7, Leave of Absence for a Specified Period
- e. [Refunds and Remissions Policy](#)
- f. [Reasonable Adjustments for Students with Disabilities Policy](#)
- g. [Privacy Policy](#)
- h. [University's Privacy Management Plan](#)
- i. [Community Engaged Learning At Risk Procedures](#)
- j. [Education Services for Overseas Students Act 2000](#) (as amended)
- k. [National Code of Practice for Providers of Education and Training to Overseas Students 2018 \(the National Code\)](#).

### Policy Review

(54) This Policy will be reviewed one year after implementation.

## Status and Details

<b>Status</b>	Historic
<b>Effective Date</b>	24th March 2020
<b>Review Date</b>	24th March 2021
<b>Approval Authority</b>	Director, Office of the Vice Chancellor
<b>Approval Date</b>	24th March 2020
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<b>Head of Work Unit</b>	Brendon Nelson Vice President (Students) and Registrar
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