

# Higher Degree Research Fitness to Study Policy

## Section 1 - Purpose and Scope

### Purpose

(1) This Policy details the University's approach to supporting a Higher Degree Researcher when concerns are raised regarding their health and wellbeing, including behaviours that may be considered unsafe to themselves or others.

### Scope

(2) This Policy applies to all Higher Degree Researchers, domestic and international.

## Section 2 - Definitions

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

(3) Higher Degree Researcher means a higher degree by research student.

(4) Supervisor means the approved principal and co-supervisors responsible for the supervision of a Higher Degree Researcher during their candidature.

(5) Fit to Study - when a Higher Degree Researcher:

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

(6) Unfit to Study - when a Higher Degree Researcher:

- 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 researchers, staff or students;
- c. Adversely affects the day-to-day activities of the University, its staff, a placement provider, partner institution or work integrated or research activity; or
- d. Requires support beyond the services which the University can reasonably be expected to provide either directly or indirectly.

## Section 3 - Policy Statement

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

(8) The University promotes strategies for proactive, early intervention and active collaboration between Higher

Degree Researchers and staff to provide Higher Degree Researchers with the best opportunity to complete their studies.

(9) Higher Degree Researchers are encouraged to contact the Student Safety Support & Wellbeing Coordinator if experiencing general difficulties in coping with study, or their course coordinator, placement officer or the University's Counselling Services.

(10) The University recognises that there may be instances where a Higher Degree Researcher's physical or mental health may give rise to concerns about their fitness to study and in these circumstances the option to impose an interruption to candidature will be considered.

(11) Suspension of candidature due a Higher Degree Researcher being considered 'Unfit for Study' will be a measure of last resort, expected to be applied only after all relevant supportive strategies have been considered.

## Section 4 - Procedures

### Preliminary Actions

#### Referral to alternative University Rule, Policy or Procedure

(12) Before activating these Procedures, it should be considered whether the matter be handled under an alternative University Rule, Policy or Procedure such as:

- a. [Student Academic and Non-Academic Misconduct Rules](#); or
- b. [Responsible Research Conduct Procedures - Higher Degree Researchers \(Students\)](#).

(13) Academic progress Issues should be managed in accordance with:

- a. [Rule 7 - Masters by Thesis Awards](#);
- b. [Rule 8 - Professional Doctorate Awards](#); or
- c. [Rule 9 - Doctor of Philosophy \(PhD\) Awards](#).

### Informally raise Concerns

(14) Before activating these procedures any staff member with concerns about a Higher Degree Researcher's behaviour may wish to informally discuss with the affected Higher Degree Researcher, the symptoms, actions or patterns of behaviour that are causing a concern to themselves or others and suggest contacting the Student Safety Support & Wellbeing Coordinator for information on support services.

### Fitness for Study: Levels of Action

(15) Concerns about a Higher Degree Researcher's fitness to study are dealt with under the following levels of action:

- a. Level 1: Initial or emerging wellbeing and safety concerns
- b. Level 2: Continuing and serious concerns
- c. Level 3: Persistent and critical concerns

(16) The action taken may be entered at any level without any requirement for an earlier level to have been commenced or exhausted.

(17) The processes under all levels of action will be conducted in:

- a. a transparent manner, with the Higher Degree Researcher normally informed of the identity and capacity of others consulted;
- b. strict confidence ensuring that all communications, meetings and outcomes are dealt with in accordance with the [University's Privacy Policy](#); and
- c. in a timely manner, following due process and without undue delays.

### **Variation to Procedures - Exceptional Circumstances**

(18) In exceptional circumstances, for example when a Higher Degree Researcher is in a crisis situation, in hospital or when attendance at a meeting could be unduly stressful, the Procedures may be varied.

(19) Where there are critical concerns about the risks posed by a Higher Degree Researcher's wellbeing the University will normally get in touch with the "emergency contact" identified by the Higher Degree Researcher. The Higher Degree Researcher's consent for this action will be sought. The University reserves the right to make this contact if it deems the Higher Degree Researcher's vital interests are at risk even if such consent is not given or if the Higher Degree Researcher is unable to give such consent.

### **Level 1 - Initial Emerging Concerns**

(20) Concerns relating to a Higher Degree Researcher's Fitness for Study should be referred to the Manager, Graduate School with the following information provided:

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

(21) The Manager, Graduate School may consult other staff members or seek further information or clarification regarding the concerns raised and will notify the Higher Degree Researcher that a concern regarding their fitness to study has been raised and will be dealt with as Level 1 of this Procedure. The notification to the Higher Degree Researcher will:

- a. Outline the nature of the concerns raised.
- b. Invite the Higher Degree Researcher to meet with the Supervisor/s, Director, Higher Degree Research and Manager, Graduate School to discuss concerns raised.
- c. Advise the Higher Degree Researcher they may be accompanied by a support person, who may be a student advocate, but not a legal representative.
- d. Recommend the use of University support services or to seek external expert, qualified support.
- e. Remind the Higher Degree Researcher of their option to request a Leave of Absence.
- f. Inform the Higher Degree Researcher that they may be requested to undergo a medical examination to prove they are Fit to Study.
- g. Provide the website link to this Policy.

(22) A copy of the Notification will be provided to the Director, Higher Degree Research and Supervisor

(23) Prior to the meeting the Higher Degree Researcher and Supervisor may be asked to document their respective views on the Higher Degree Researcher's academic progress. They may use the Assessment Poll to do so.

(24) If the Higher Degree Researcher declines to attend the meeting, the meeting may proceed in their absence.

(25) The Director, Higher Degree Research, in consultation with the Supervisor may:

- a. Determine any support arrangements or reasonable adjustments to be put in place;
- b. Develop an Action Plan, with timelines, setting out how the matter will be managed; or
- c. Refer the Higher Degree Researcher to Level 2 or 3 of these Procedures.
- d. Refer to an alternative University process, such as Student Academic and Non-Academic Misconduct Rules or Responsible Research Conduct Procedures.

(26) The Manager, Graduate School will notify the Higher Degree Researcher of the Director, Higher Degree Research's determination and, if relevant, provide the Action Plan and timeframe for review of compliance with the Action Plan.

### **Review of Action Plan - Level 1**

(27) If an Action Plan has been put in place, the Supervisor, Director, Higher Degree Research and the Higher Degree Researcher will meet to review compliance with the Action Plan.

(28) The Director, Higher Degree Research, in consultation with Supervisor, will determine whether;

- a. The Action Plan should be amended, continued or concluded; or
- b. The Higher Degree Researcher should be referred to Level 2.

(29) The Manager, Graduate School will notify, in writing, the Higher Degree Researcher of the outcome of the review meeting and the Director, Higher Degree Research's determination.

### **Level 2: Continuing and Serious Concerns**

(30) Continuing and serious concerns about a Higher Degree Researcher's fitness to study will be referred to the Manager, Graduate School who may consult other staff members or seek further information or clarification regarding the concerns raised.

(31) The Manager, Graduate School will notify the Higher Degree Researcher that concerns regarding their fitness to study have been raised and are to be managed under Level 2 of this procedure. The notification to the Higher Degree Researcher will:

- a. Outline the nature of the concerns raised.
- b. Invite the Higher Degree Researcher to meet with the Supervisor/s, Director, Higher Degree Research and Manager, Graduate School to discuss concerns raised.
- c. Advise the Higher Degree Researcher they may be accompanied by a support person, who may be a student advocate, but not a legal representative.
- d. Recommend the use of University support services or to seek external expert, qualified support.
- e. Remind the Higher Degree Researcher of their option to request a Leave of Absence.
- f. Inform the Higher Degree Researcher that they may be requested to undergo a medical examination to prove they are Fit to Study.
- g. Provide a copy of the Action Plan and records of any previous meeting.
- h. Provide the website link to this Policy.

(32) A copy of the notification will be provided to the Director, Higher Degree Research and Supervisor.

(33) Prior to the meeting the Higher Degree Researcher and Supervisor may be asked to document their respective views on the Higher Degree Researchers progress. They may use the Assessment Poll to do so.

(34) If the Higher Degree Researcher declines to attend, the meeting may proceed in their absence.

(35) Following the meeting, the Director, Higher Degree Research will prepare a report to Dean, Graduate Studies with recommendations on how to proceed.

(36) On the basis of this report, the Dean, Graduate Studies will determine next step, which may include:

- a. Contacting or meeting the Higher Degree Researcher to request further information or clarification;
- b. Arranging for support arrangements or reasonable adjustments to be put in place;
- c. Drawing up an Action Plan, where possible with the agreement of the Higher Degree Researcher;
- d. Referring the Higher Degree Researcher to another level of these Procedures. If the Higher Degree Researcher declines to accept the proposed Action Plan, the matter will be escalated to Level 3;
- e. Recommend the Higher Degree Researcher take a Leave of Absence.

(37) The Manager, Graduate School will notify the Higher Degree Researcher of the Dean, Graduate Studies' determination.

### **Review of Action Plan - Level 2**

(38) If an Action Plan has been put in place, the Higher Degree Researcher will be invited to attend the Review of Action Plan meeting. If they decline to attend, the meeting may proceed in their absence.

(39) The Dean, Graduate Studies, Supervisor, Director, Higher Degree Research and the Higher Degree Researcher will meet to review compliance with the Action Plan.

(40) The Dean, Graduate Studies, in consultation with the Supervisor and Director, Higher Degree Research, will determine whether the;

- a. Action Plan should be amended, continued or concluded; or
- b. Higher Degree Researcher should be referred to Level 3.

(41) The Manager, Graduate School will notify, in writing, the Higher Degree Researcher of the outcome of the review meeting and the determination of the Dean, Graduate Studies.

### **Level 3: Persistent and Critical Concerns**

(42) The process to be followed in dealing with a matter under Level 3 will be at the discretion of the Dean, Graduate Studies. Factors such as the seriousness of the concern, the risks posed, and the ability of the Higher Degree Researcher to participate in the process will be taken into account.

(43) Normally, the Dean, Graduate Studies will call a meeting at which the Director, Higher Degree Research and Supervisors will discuss the nature of the concerns and options for addressing those concerns.

(44) Normally, the Higher Degree Researcher will be invited to the meeting. The meeting notification will:

- a. Outline the nature of the concerns raised.
- b. Advise who will be present at the meeting.
- c. Advise the Higher Degree Researcher they may be accompanied by a support person, who may be a student advocate, but not a legal representative.
- d. Recommend the use of University support services or to seek external expert, qualified support.
- e. Remind the Higher Degree Researcher of their option to request a Leave of Absence.
- f. Inform the Higher Degree Researcher that they may be requested to undergo a medical examination to prove

they are Fit to Study.

- g. Provide the Action Plan and records of any previous meetings under this Procedure
- h. Provide the website link to this Policy.

(45) On the basis of the available information and in the best interest of the Higher Degree Researcher and others, the Dean, Graduate Studies will determine how to proceed. Options include, but are not limited to:

- a. Putting in place support arrangements or reasonable adjustments;
- b. Drawing up an Action Plan with progress milestones;
- c. Permitting the Higher Degree Researcher to continue on a part-time basis or to study by means of formal or informal distance learning with appropriate support;
- d. Withdrawing the Higher Degree Researcher from placement, overseas study or other University related activity;
- e. Recommending to the Higher Degree Researcher that they take a Leave of Absence;
- f. Requesting the Higher Degree Researcher undergo a medical examination to establish whether the Higher Degree Researcher is Fit to Study;
- g. Suspension of candidature;
- h. Termination of candidature.

## **Suspension of Candidature**

(46) The Dean, Graduate Studies, on the basis of what is in the best interest of the Higher Degree Researcher and others, may suspend a Higher Degree Researcher's candidature if it is deemed they pose a serious risk to themselves, other staff or students, University property or the reputation of the University.

### **Notification of Dean's determination**

(47) The Higher Degree Researcher will be notified in writing of the decision and outcome of the Dean's determination, normally within three working days. Depending on the Dean's determination, the notification will include:

- a. A copy of any Action Plan and date for review;
- b. Information on support services or adjustments;
- c. A request for the Higher Degree Researcher to undergo a medical examination;
- d. Details of the period of any Suspension of candidature and the rationale for imposing;
- e. Details of any Termination of candidature and the rationale for imposing;
- f. Any conditions for readmission;
- g. Details regarding the process to appeal a determination.

## **Medical Examination**

(48) If the Dean, Graduate Studies requests the Higher Degree Researcher to undergo a medical examination, it will be performed by an independent registered health professional chosen by the University and at the expense of the University.

(49) A copy of the medical report made by the specialist will be made available to the University and the Higher Degree Researcher.

(50) If the Higher Degree Researcher declines to undergo a medical examination, the Dean may determine to suspend or terminate candidature.

## Section 5 - Appeals

(51) Higher Degree Researchers have the right to appeal a determination by the Dean, Graduate Studies to suspend or terminate candidature due to concerns relating to the Higher Degree Researcher's fitness for study. Appeals should be made in writing to the Senior Deputy Vice Chancellor within ten working days of the date of the notification and cite one or more of the following grounds:

- a. The University has failed to follow its own Procedure adequately;
- b. The decision is unreasonable or a disproportionate sanction has been imposed;
- c. The Higher Degree Researcher has new information/evidence which was not reasonably available before.

(52) In accordance with the [ESOS Act](#), international Higher Degree Researchers may lodge an appeal against suspension of candidature on the basis of compassionate or compelling circumstances. An international Higher Degree Researcher's candidature must be maintained during the course of any appeal process.

(53) The Senior Deputy Vice Chancellor will consider the appeal submission and determine whether there are valid grounds to appeal.

(54) Where valid grounds have been determined, the Higher Degree Researcher will be invited to submit additional evidence within a specified timeframe.

(55) The Senior Deputy Vice Chancellor will consider the evidence provided and will determine one of the following options:

- a. Dismiss the appeal; or
- b. Uphold the appeal, and:
  - i. refer the matter back to an earlier level of this Procedure for reconsideration,
  - ii. Impose an alternative sanction.
  - iii. Remove any sanction imposed.

(56) The Senior Deputy Vice Chancellor will notify the Higher Degree Researcher, in writing, the outcome of the appeal. If the appeal was dismissed the notification will include:

- a. Reasons for the determination;
- b. The duration of the suspension/termination;
- c. Any conditions for readmission; and
- d. The right to access an external review process through the [NSW Ombudsman](#) Office if not satisfied with the outcome of the appeal.

## Section 6 - Return to Study

(57) Higher Degree Researchers may request to return to study at any time during their suspension. Requests must be made in writing, to the Dean, Graduate Studies.

(58) Normally, Higher Degree Researchers returning to study following a suspension in candidature due to being Unfit to Study, will require additional support strategies.

(59) The process by which the outcome of a return to study request will be determined may vary according to the circumstances of the matter. In each case, however, a return to study by a Higher Degree Researcher will depend

upon the Dean, Graduate Studies being satisfied that the Higher Degree Researcher is fit to study and has complied with any conditions placed upon their return.

(60) The Dean, Graduate Studies may require the Higher Degree Researcher to produce satisfactory medical or other evidence of their fitness to study (for example, a psychiatrist's report or General Practitioner's letter) from recognised professionals who have sufficient knowledge of the Higher Degree Researcher, the demands of higher degree by research education, and the Higher Degree Researcher's intended program of study.

(61) The Dean, Graduate Studies will determine whether to permit the Higher Degree Researcher to return to study and may impose conditions upon any return to study, such as accessing support services and meeting academic progress milestones.

(62) The decision of the Dean, Graduate Studies will be notified to the Higher Degree Researcher in writing, with reasons, within a reasonable time of the Higher Degree Researcher's written request to return to study.

(63) The decision of the Dean, Graduate Studies is final.

(64) The University will work collaboratively with the Higher Degree Researcher in respect of any support arrangements to be put in place for a return to study. Prior to or on their return, the Higher Degree Researcher will be invited to attend a Return to Study Meeting with the Director, Higher Degree Research, Supervisors and the Graduate School. At that meeting, an Action Plan will be drawn up to support the Higher Degree Researcher's successful transition back to study. The Action Plan will detail any conditions imposed and any supports identified, together with a timetable for any review meetings deemed necessary. If conditions are attached, failure to comply with the Action Plan will lead to further Fitness to Study procedures under Level 3. The Higher Degree Researcher will be provided with a summary of the Return to Study Meeting and the Action Plan as soon as possible after the meeting.

## **Section 7 - Record Keeping and Confidentiality**

(65) Documentation must be kept at all stages of the Fitness for Study process, including records of meetings, discussions, reviews and actions proposed or taken.

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

(67) All parties involved in any matter referred under this policy are to maintain confidentiality. Information and documentation are not to be divulged to anybody without direct involvement in the matter with the following exceptions:

- a. Where a 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 8 - Associated Documents**

(68) This 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 7 - Masters by Thesis Awards](#)
- e. [Rules Relating to Awards - Rule 8 - Professional Doctorate Awards](#)

- f. [Rules Relating to Awards - Rule 9 - Doctor of Philosophy \(PhD\) Award](#)
- g. [Higher Degree Research Candidate and Supervision Policy](#)
- h. [Privacy Policy](#)
- i. University's [Privacy Management Plan](#)

## Status and Details

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