

Policy Title: Fitness to Study

Policy Owner: Deputy Vice-Chancellor (Education)

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[Intent](#)
[Organisational Scope](#)
[Definitions](#)
[Policy Content](#)
[Accountabilities and Responsibilities](#)
[Related Documents](#)
[Contact Information](#)
[Approval History](#)

1. INTENT

The University is committed to the safety and wellbeing of its Students and the wider University community. It recognises that an inclusive and proactive approach to fitness to study related matters, as outlined in this Policy and its related Procedures, can assist Student success. Where practicable, the University will make reasonable adjustments to studies and University activities to accommodate fitness to study concerns, while maintaining the University's academic and conduct standards.

2. ORGANISATIONAL SCOPE

This Policy applies to all Students, irrespective of mode or location of study.

3. DEFINITIONS

The [University Glossary](#) applies to this Policy, in addition to the following definition(s):

Name	Description
Fitness to Study Report	A report provided by medical officer or professional advisor, who is endorsed by the Director, Student Life, advising on a Student's fitness to study.
Senior Officer	Any or all Staff (as the context requires) appointed to or acting in a position of Vice-Chancellor, Senior Deputy Vice-Chancellor, Deputy Vice-Chancellor or Pro-Vice-Chancellor.

4. POLICY CONTENT

Principles

4.1 All fitness to study matters will be managed in a coordinated and respectful manner, consistent with this Policy, the Fitness to Study Procedures and the [Admission, Enrolment and Academic Progress Rules](#).

4.2 The University recognises that there may be instances where a Student's health condition, behaviour or wellbeing may give rise to concerns about their fitness to study. The University may consider that a Student is unfit to study when their conduct, which is directly related to a fitness to study concern:

4.2.1 poses, or is likely to pose, a risk to the health, safety, or wellbeing of themselves or others, or to University property or facilities;

- 4.2.2 interferes, or is likely to interfere, with the ability for Staff, Students or visitors to pursue their studies, teaching, research or other University activities;
- 4.2.3 interferes, or is likely to interfere, with a placement or work integrated learning activity, or the usual operations of a third party engaged by the University to deliver, teach or supervise University activities, placements or work integrated learning; or
- 4.2.4 prevents, or is likely to prevent, the Student from successfully meeting the legal, ethical and behavioural requirements of their Course.

In such circumstances, the University may rely upon this Policy and its related Procedures to manage and respond to the concern.

- 4.3 The University recognises that support and consultation with Students is central to Student success and wellbeing. The University will:
- a) continually develop and foster a supportive framework for Students experiencing difficulties with their studies, including through its careers, wellbeing, psychological and physical health services;
 - b) where practicable, inform and consult with Students about decisions that may affect them;
 - c) allow Students to be supported by a Student Guild representative, friend, or family member, at meetings arranged under the Fitness to Study Procedures, however the Student may not be legally represented; and
 - d) adhere to the requirements of any relevant state and national legislation¹.

4.4 A Senior Officer, who on reasonable grounds believes that a Student may be unfit to study, and that there is an immediate or continuing risk of injury or serious detriment to any person, serious detriment to the University's interests or reputation, substantial damage to University property, or significant disruption to any University related activity, may summarily and with immediate effect prevent a Student from accessing University facilities or premises for any period that may be reasonable in the circumstances. The matter will then be referred to the Director, Student Life to be dealt with as a critical concern (Level 3) in accordance with the *Fitness to Study Procedures*.

4.5 A Senior Officer, when responding to a fitness to study concern, may in appropriate circumstances:

- 4.5.1 restrict or cancel a Student's enrolment in one or more Units or Courses, without academic penalty and with a relevant tuition fee refund;
- 4.5.2 require a Student to direct all communications to one or more nominated Staff members;
- 4.5.3 prohibit a Student from accessing University facilities or premises;
- 4.5.4 require a Student to provide Fitness To Study Reports, or other suitable medical or professional evidence of their fitness to study, and evidence that the Student will have ongoing support to manage their studies;
- 4.5.5 require a Student to engage in specific activities to resolve any fitness to study concerns before and during a Student's return to study; and
- 4.5.6 impose any other lawful condition or determination.

Where practicable, a decision made under this paragraph will be imposed with a view to facilitating the Student's return to study in an appropriate timeframe.

4.6 Subject to paragraph 4.7, a Student may appeal to the Student Appeals Committee any decision made under paragraph 4.5 on any one or more of the following grounds:

- 4.6.1 the decision was affected by discrimination, prejudice, or bias against a Student;
- 4.6.2 due process was not carried out in accordance with this Policy or the Fitness to Study Procedures;

¹ This includes the [Disability Discrimination Act 1992](#), [Disability Standards for Education 2005](#), [Disability Services Act 1986](#), [Equal Opportunity Act 1984 \(WA\)](#), [Education Services for Overseas Students Act 2000](#), [Health Practitioner Regulation National Law \(WA\) Act 2010](#) and other legislation as the context requires.

4.6.3 the Student did not have sufficient opportunity to present their case before the decision was made; or

4.6.4 the decision was made contrary to the evidence provided to the relevant decision maker.

4.7 Appeals will be dealt with in accordance with Annexure 2 of the [Admission, Enrolment and Academic Progress Rules](#), with the following modifications:

4.7.1 the grounds of appeal are only those prescribed in paragraph 4.6 of this Policy; and

4.7.2 if a Student's appeal is successful, the Student Appeals Committee must refer the decision back to any Senior Officer to review and re-determine the initial decision. The Student Appeals Committee is not authorised to remake or reverse the decision, or to revoke any cancellation or refusal of enrolment.

4.8 Where a Student's enrolment is cancelled or refused in accordance with this Policy, the Student cannot provisionally enrol pending the determination of their appeal.

4.9 Any cancellation of an overseas Student's enrolment will be subject to Standard 9 of the [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#), however can take immediate effect if the overseas Student's health or wellbeing, or the wellbeing of others, is likely to be at risk.

5. ACCOUNTABILITIES AND RESPONSIBILITIES

The Deputy Vice-Chancellor (Education) has overall responsibility for the content of this Policy and its operation.

The Director, Student Life is responsible for maintaining this Policy.

6. RELATED DOCUMENTS

- [Fitness to Study Procedures](#)
- [University Statute No. 22 Student Conduct](#)
- [University Rules: Admission, Enrolment and Academic Progress Rules](#)
- [Privacy Policy \[PL090\]](#)
- [Student Code of Conduct Policy \[PL299\]](#)
- [Education Services for Overseas Students Act 2000](#)
- [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#)
- [Disability Discrimination Act 1992](#)
- [Disability Services Act 1986](#)
- [Disability Standards for Education 2005](#)
- [Equal Opportunity Act 1984 \(WA\)](#)

7. CONTACT INFORMATION

For queries relating to this document please contact:

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8. APPROVAL HISTORY

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Fitness to Study Procedures

These Procedures support the Fitness to Study Policy.

CONTENTS

1. [Definitions](#)
2. [Purpose and Scope](#)
3. [Procedures](#)
4. [Contact Information](#)

1. Definitions

- 1.1 Definitions in the Fitness to Study Policy and the [University Glossary](#) apply to these Procedures, in addition to the following:

Name	Description
Case Coordinator	A University staff member appointed by the Director, Student Life for case management purposes.
Designated Officer	An Associate Dean (Teaching and Learning), an Associate Dean (Research) where the Student involved is a Higher Degree by Research Candidate, and any other suitably qualified person who has been appointed to be a Designated Officer by the Deputy Vice-Chancellor (Education).
Safer Communities Team	A University advisory team described in paragraphs 3.32 to 3.34.

2. Purpose and Scope

- 2.1. These Procedures provide information about the University's processes for managing a fitness to study concern about a Student. These procedures apply to all Students, irrespective of mode or location of study.
- 2.2. The University recognises that there may be instances where a Student's health condition, behaviour or wellbeing may give rise to concerns about their fitness to study and ability to meet the legal, ethical and behavioural requirements of their Course. Where a Student's conduct poses a risk to the health, safety, or wellbeing of themselves or others, or to University property or facilities, or materially interferes with a University activity, and this is related to a fitness to study concern, Staff should implement the Fitness to Study Policy and these Procedures.
- 2.3. Where a Student or another person is in immediate danger, emergency services and University security should be contacted.

3. Procedures

- 3.1. The University has three levels for responding to a fitness to study concern:
 - (a) Level 1 – Isolated, minor and emerging low level concerns (see paragraphs 3.6 to 3.8 below);
 - (b) Level 2 – Significant or ongoing concerns of a serious nature (see paragraphs 3.9 to 3.15 below); and
 - (c) Level 3 – Persistent or critical concerns (see paragraphs 3.16 to 3.22 below).
- 3.2. All fitness to study concerns should be referred in writing to the relevant Designated Officer within the Student's School or study location. The Designated Officer will determine the level of intervention required having regard to the relevant circumstances, including the nature of the concern, the seriousness of any risk

posed, the Student's perception of their behaviour, and the Student's response to any steps taken by the University.

- 3.3. A matter may be dealt with at any appropriate level, without any requirement for an earlier level of support and intervention to have been commenced or exhausted.
- 3.4. Where a meeting is conducted with a Student:
 - (a) the Student may be accompanied by a support person, for example, a Student Guild representative or Student Guild Assist Officer, friend, or family member, but may not be legally represented – the person may only act as the Student's advocate where invited to do so by the Staff member(s) conducting the meeting;
 - (b) the meeting may be conducted in person, or by telephone or videoconference, taking into account the Student's preference and any relevant circumstances;
 - (c) where practicable, the Student will be informed in advance of who will be present; and
 - (d) the Student will be given a reasonable opportunity to respond to any concerns raised and present relevant material.
- 3.5. Where, despite reasonable endeavours by the University, a Student cannot be contacted or does not engage with the University's processes, the University may proceed with any suitable action in the Student's absence. The Student will be notified via their last known contact details of any action taken to support the Student or manage behaviour.

Level 1 - Isolated, minor and emerging low level concerns

- 3.6. The Designated Officer may do any one or more of the following:
 - (a) contact or meet with the Student to discuss the fitness to study concern, identify the Student's perception of the concern, and determine any additional support needs the Student may have; and
 - (b) provide the Student with information about the University's fitness to study requirements, code of conduct, and support services available to the Student.
- 3.7. The Designated Officer should provide written confirmation of the steps taken under paragraph 3.6 to the Student.
- 3.8. A Designated Officer does not need to refer the concern to the Director, Student Life if they are satisfied that a Level 1 concern has been suitably addressed.

Level 2 – Significant or ongoing concerns of a serious nature

- 3.9. The Designated Officer will notify the Director, Student Life of a Level 2 concern.
- 3.10. The Director, Student Life will appoint a Case Coordinator to assist the Designated Officer.
- 3.11. The Case Coordinator will:
 - (a) notify and liaise with members of the Safer Communities Team about the concern, and keep them informed of actions taken by the University;
 - (b) where appropriate, consult with and seek advice from members of the Safer Communities Team and other relevant staff;
 - (c) where this has not already occurred, notify the Student that the University has a fitness to study concern, and provide the Student with information about the University's fitness to study requirements, code of conduct, and available support services; and

(d) arrange a meeting between the Student, the Designated Officer and the Case Coordinator, and any other relevant University representatives, to discuss the concern, inviting the Student to bring to the meeting any information or material that may be relevant.

3.12. At the meeting, the Designated Officer will:

- (a) consider the Student's response to any previous steps taken by the Student or the University to address the concern;
- (b) discuss the concern or observed behaviour with the Student, identify the Student's perception of the concern, and determine any additional support needs the Student may have; and
- (c) identify any ongoing or future risks that may be caused by the Student's conduct.

3.13. The Designated Officer may do any one or more of the following:

- (a) counsel the Student about recommended changes to behaviour;
- (b) refer the Student to appropriate additional support services - e.g. health, counselling, or disability services;
- (c) recommend that the Student apply for appropriate changes to their enrolment or study load, or seek a Learning and Assessment Plan;
- (d) request that the Student direct all communications to nominated Staff, and refrain from contacting other Staff;
- (e) refer the concern to other members of Staff who may be more suitable to contact and assist the Student;
- (f) take such other action as may be required to assist the Student as may be appropriate in the circumstances; or
- (g) refer the matter to be dealt with as a Level 3 concern.

3.14. The Designated Officer or Case Coordinator will:

- (a) confirm in writing to the Student any actions taken or recommendations made in accordance with paragraph 3.13;
- (b) where changes to a Student's study load are recommended, refer the Student to appropriate Staff members who can provide advice about the Student's circumstances, for example in relation to how a change may affect their fees, scholarship, visa or course planning;
- (c) review the matter at an appropriate time in the future (unless this is being undertaken by another University support service); and
- (d) inform relevant persons as may be appropriate in the circumstances as to what course of action is being followed.

3.15. Where a Student refuses to engage with the relevant Designated Officer or the Case Coordinator, does not attend a meeting, is unable to be contacted, or the concern persists, the relevant Designated Officer or Case Coordinator can take any action described in paragraphs 3.13 and 3.14, or may refer the matter to the Director, Student Life, to be dealt with as a Level 3 concern.

Level 3 – Persistent or critical concerns

Case management

3.16. Where there is a critical concern that a Student is unfit to study, or there are persistent or recurrent fitness to study concerns, the matter is to be referred to the Director, Student Life.

- 3.17. The Director, Student Life, will appoint a Case Coordinator. The Case Coordinator will:
- notify and liaise with members of the Safer Communities Team about the concern, and keep them informed of actions taken by the University;
 - where appropriate, consult with and seek advice from members of the Safer Communities Team and other relevant staff;
 - where this has not already occurred, notify the Student that the University has a fitness to study concern, and provide the Student with information about the University's fitness to study requirements, code of conduct, and available support services; and
 - arrange a meeting between the Student, the Designated Officer and the Case Coordinator, and any other relevant University representatives, to discuss the concern, inviting the Student to bring to the meeting any information or material that may be relevant.
- 3.18. At the meeting, the Director, Student Life or Senior Officer will:
- consider the Student's response to any previous steps taken by the Student or the University to address the concern;
 - discuss the concern or observed behaviour with the Student, identify the Student's perception of the concern, and determine any additional support needs the Student may have; and
 - identify any ongoing or future risks that may be caused by the Student's conduct.
- 3.19. The Director, Student Life or Senior Officer may do any one or more of the following:
- counsel the Student about recommended changes to behaviour;
 - refer the Student to appropriate additional support services - e.g. health, counselling, or disability services;
 - recommend that the Student apply for appropriate changes to their enrolment or study load, or seek a Learning and Assessment Plan;
 - request that the Student direct all communications to nominated Staff, and refrain from contacting other Staff;
 - refer the concern to other members of Staff who may be more suitable to contact and assist the Student; and
 - take such other action as may be required to assist the Student as may be appropriate in the circumstances.
- 3.20. A Senior Officer may, in accordance with the Fitness To Study Policy:
- restrict or cancel a Student's enrolment in one or more Units or Courses, without academic penalty and with a relevant tuition fee refund;
 - require a Student to direct all communications to one or more nominated Staff members;
 - prohibit a Student from accessing University facilities or premises;
 - require a Student to provide Fitness To Study Report(s), or other suitable medical or professional evidence of their fitness to study, and evidence that the Student will have ongoing support to manage their studies;
 - require a Student to engage in specific activities to resolve any fitness to study concerns before and during a Student's return to study; and
 - impose any other lawful condition or determination.

- 3.21. The Director, Student Life or Case Coordinator will:
- (a) confirm in writing to the Student any actions taken or recommendations made in accordance with paragraph 3.19 or 3.20;
 - (b) where changes to a Student's study load are recommended or directed, refer the Student to appropriate Staff members who can provide advice about the Student's circumstances, for example in relation to how a change may affect their fees, scholarship, visa or course planning; and
 - (c) review the matter at an appropriate time in the future (unless this is being undertaken by another University support service); and
 - (d) inform relevant persons as may be appropriate in the circumstances as to what course of action is being followed.
- 3.22. Where a Student refuses to engage with the relevant Senior Officer, Designated Officer or Case Coordinator, does not attend a meeting, is unable to be contacted, or the concern persists, the relevant Senior Officer, Designated Officer or Case Coordinator can take any action described in paragraphs 3.19 - 3.21.

Return to Study

- 3.23. Where a Student's enrolment has been cancelled, before returning to study (to the relevant Units) the Student will be required to provide to the Director, Student Life evidence that they are fit to return to study. Such evidence may include:
- (a) a Fitness To Study Report or other suitable medical or professional evidence as may be determined by the Director, Student Life;
 - (b) evidence that the Student will have ongoing support to manage their studies; and
 - (c) evidence that specific activities have been, or are being, undertaken to support the Student.
- 3.24. The Director, Student Life will assess the evidence provided, liaise with any relevant stakeholders or industry professionals, and recommend to the Deputy Vice-Chancellor (Education) whether it is suitable for the Student to return to Study and if so, on what conditions (if any).
- 3.25. The Student will be provided with a copy of the recommendation. The Student will have 14 days to respond in writing to the recommendation and provide the Deputy Vice-Chancellor (Education) with any further information or evidence that may be relevant.
- 3.26. The Deputy Vice-Chancellor (Education) will determine whether it is suitable for the Student to return to Study, and any conditions that may be appropriate in the circumstances. Conditions may include:
- (a) requiring the Student to provide a Fitness To Study Report or other suitable medical or professional evidence of their fitness to study on a regular basis during the remainder of their studies;
 - (b) requiring the Student to undertake specific activities to address the fitness to study concern; and
 - (c) enrolment restrictions.
- 3.27. Before a Student returns to study, the Case Coordinator will create a *return to study plan* for the Student. The *return to study plan* will reflect the outcome in paragraph 3.26, and provide further information about support services available to the Student. The University will consult with the Student about Course progression and suitable Units to be undertaken.
- 3.28. The Director, Student Life or Case Coordinator will notify relevant Staff about the Student's return to study and, where appropriate and relevant, any ongoing Fitness to Study conditions, or actions required to support the student.

- 3.29. The Deputy Vice-Chancellor (Education) may impose any of the outcomes described in the Fitness To Study Policy, where the Student is unable or unwilling to produce evidence as set out in paragraph 3.23, or abide by any conditions imposed on their return to study.

Third parties and mandatory notifications

- 3.30. Where there is a legislative, professional accreditation or contractual requirement for a fitness to study concern to be disclosed to a third party:
- (a) due regard is to be had to the University's [Privacy Policy](#);
 - (b) where practicable, Staff are required to consult with the relevant Designated Officer before making any such disclosure;
 - (c) the Student is to be informed that disclosure has been made, unless there is a reasonable basis for withholding or delaying this information, which the Staff member or Designated Officer reasonably believes is in the Student's best interests; and
 - (d) the relevant Designated Officer is to be provided with copies of any written disclosure that is made.

General Provisions

Director, Student Life nominee

- 3.31. The Director, Student Life, may authorise another person under their supervision to perform any of the actions described in these procedures.

Safer Communities Team

- 3.32. The Director, Student Life, will oversee a University Safer Communities Team. The Safer Communities Team may, from time to time and on a case-by-case basis as the context requires, consist of the Director, Student Life, the Director, Student Administration, the Manager, Health Services, the Manager, Student Success, the Manager, Counselling and Equity, the Manager, Security and Traffic Services, and such other staff as the Director, Student Life may determine.
- 3.33. The Director, Student Life, may engage other University staff, and third parties, as required on a case-by-case basis, to be part of the Safer Communities Team.
- 3.34. The Safer Communities Team's role, is to provide advice to Staff as described in these procedures. Members of the Safer Communities Team will be required to meet as the Director, Student Life determines is appropriate.

Conflict of Interest

- 3.35. Where a Staff member has a Conflict of Interest, they must withdraw from being involved in any actions being taken, or refer the matter to an independent Staff member, as the context requires. If such circumstances arise, any action authorised to be taken by:
- (a) the Deputy Vice-Chancellor (Education), may be instead undertaken by another Senior Officer;
 - (b) the Director, Student Life, may be instead undertaken by the Director, Student Administration, or another person appointed by a Senior Officer; and
 - (c) a Designated Officer, may be undertaken by another Designated Officer, any other Associate Dean within the relevant School, or any other person appointed by a Senior Officer.

Reporting

3.36. The Director, Student Life, will provide an aggregated annual report to the Academic Board on reported instances of, and trends relating to, fitness to study concerns. The Report will not identify individual Students but will provide information about the number of concerns raised at each level, a summary of any actions taken, and the number of Students who have been able to return to study.

4. Contact Information

For queries relating to this document please contact:

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1.0	Deputy Vice-Chancellor (Education)	5 May 2020	5 May 2020	N/A