

Student Fitness to Practice Policy (MPF1345)

1. Objective

The objectives of this policy are to:

- (a) provide a safe environment for the public, students, professional placement providers and the University;
- (b) instill in students the qualities and competences, in addition to academic performance, required for professional practice and to support and guide students who experience issues that may affect their ability to practice; and
- (c) provide a framework for the management of risks and issues related to students undertaking professional practice activities, including placement, experiential learning or clinical work prior to, or during, a student's enrolment in a course or subject.

2. Scope

2.1. This policy applies to all students admitted to a professionally accredited course or subject:

- (a) that involves students undertaking one or more core professional practice requirements set by the Dean, including placement, experiential learning or clinical work; and
- (b) are accessible from [Schedule 1](#).

2.2. This policy operates in conjunction with the [Student Conduct Policy](#), Parts 7 and 9 of the [Academic Board Regulation](#) and relevant course and subject rules.

2.3. This policy is supplemented by course or subject specific fitness to practice rules which are accessible from [Schedule 1](#).

3. Authority

This policy is made under the [University of Melbourne Act 2009 \(Vic\)](#) and section 39(4) of the [Academic Board Regulation](#).

4. Policy

Course or subject fitness to practice rules

4.1. In accordance with section 39(1) of the [Academic Board Regulation](#), a dean may set course or subject fitness to practice rules provided:

- (a) the University General Counsel (or nominee) advises the Dean that the rules are compliant with the laws of Australia, including, but not limited to, any statutory regimes controlling entry into professions;
- (b) the Academic Secretary, advises that the rules are:

- i. compliant with Section 39(1) of the [Academic Board Regulation](#) and this policy; and
 - ii. proportionate with the objectives of this policy; and
- (c) the dean makes the rules publicly accessible on the faculty web pages.

4.2. The course or subject fitness to practice rules must:

- (a) clearly identify, document and communicate a code of conduct for practice in the course or subject;
- (b) identify at least one faculty fitness to practice officer with contact details; and
- (c) inform that failure to meet fitness to practice rules may lead to a fitness to practice hearing in accordance with this policy.

Notification and consent

4.3. Deans must ensure that students are notified of this policy and the course or subject fitness to practice rules prior to admission to a course or subject listed in [Schedule 1](#) of this policy.

4.4. Deans must ensure that this policy and the relevant course or subject fitness to participate statement is accessible to students from the course or subject listing in the University Handbook.

4.5. Deans must ensure that external stakeholders supervising students are notified of this policy and the course or subject fitness to practice rules prior to accepting students into the relevant activity.

4.6. By enrolling in subjects or courses, students agree to comply with the fitness to practice rules applicable to those subjects or courses. The relevant rules are those accessible in the course or subject listing in the University handbook.

4.7. Deans must ensure advice is provided to applicants or students with concerns about their ability to complete the practice requirements of a course or subject.

Fitness to practice concerns

4.8. A stakeholder may raise in writing a fitness to practice concern about a student to the relevant faculty fitness to practice officer provided there is a reasonable belief that a student will potentially breach, or has breached, one or more fitness to practice rules for the course or subject.

4.9. Upon receiving a written fitness to practice concern, where appropriate and possible, the faculty fitness to practice officer must:

- (a) informally discuss and address fitness to practice issues directly with the relevant student;
- (b) where concerns raised are deemed valid, provide advice on how best to improve conduct and competence, and where appropriate, identify support and adjustments

that may be provided to the student so that fitness to practice issues do not arise again; and

(c) comply with the [Privacy Policy](#) and [Records Management Policy](#).

4.10. Upon receiving a written fitness to practice concern, the faculty fitness to practice officer may investigate the matter further and may:

(a) refer the matter in writing to a faculty Fitness to Practice Committee where:

i. the matter falls outside student general misconduct, academic misconduct, or High Risk Misconduct under Part 8 of the [Academic Board Regulation](#); and

ii. the faculty fitness to practice officer has a reasonable belief that a student may potentially breach, or has breached one or more of the fitness to practice rules for the course or subject;

(b) allege student general or academic misconduct;

(c) make a request to the Vice-Chancellor under Section 50 of the [Academic Board Regulation](#); and/or

(d) not action the concern if the faculty fitness to practice officer does not reasonably believe that a student will potentially breach, or has breached, one or more fitness to practice rules for the course or subject.

4.11. Nothing in section 4.10 requires the faculty fitness to practice officer to take any action under section 4.9 or investigate a matter further before undertaking an action under section 4.10(a)-(d).

4.12. Student general or academic misconduct proceedings take precedence over proceedings under this policy.

4.13. Proceedings against a student may be taken under this policy for conduct also found to be student academic misconduct or student general misconduct as long as the student academic misconduct or student general misconduct matter is heard first.

4.14. Nothing in this policy derogates the right, under agreement or deed, of an external stakeholder to remove the student from the professional practice activity.

5. Procedural principles

Faculty Fitness to Practice Committee

5.1. Deans must establish, when a matter is required to be heard under this policy, at least one faculty Fitness to Practice Committee to hear and decide by a simple majority whether a student is likely to, or has breached, one or more fitness to practice rules for a course or subject.

5.2. Nothing in Section 5.1 prevents a dean establishing a faculty Fitness to Practice Committee at a school or departmental level.

5.3. The faculty Fitness to Practice Committee comprises:

(a) three voting members who are:

- i. two academic staff, one who must be a senior member of academic staff to chair the committee; and
- ii. one external professional practitioner from the student's potential profession; or
- iii. one academic who is currently practicing, or has practiced, within the last eight years, in the student's potential profession.

(b) up to two non-voting attendees to guide and advise the committee being:

- i. the relevant faculty fitness to practice officer; and
- ii. if required, an academic staff member from the student's course or subject.

5.4. Deans must appoint to the faculty Fitness to Practice Committee a member of professional staff as non-voting secretary to record in writing the proceedings and decisions of the committee.

Hearings

5.5. For a matter to be heard by the faculty Fitness to Practice Committee, the faculty fitness to practice officer must notify a student in writing:

(a) that the faculty fitness to practice officer has a reasonable belief that a student may potentially breach, or has breached, one or more of the fitness to practice rules for the course or subject;

(b) what allegedly constitutes the potential or actual breach of the fitness to practice rules in the specific course or subject;

(c) that their case has been referred to a faculty Fitness to Practice Committee for a hearing;

(d) the place, time and date of the faculty Fitness to Practice Committee hearing, which must be at least 10 business days from the notice date;

(e) the student's right to respond to the allegation in advance of the hearing in writing, or in person at the hearing, or both;

(f) the student's right to notify the faculty fitness to practice officer that the student will be supported at the hearing by a named support person or an officer of Student Union Advocacy Service. The named support person cannot be legally trained; and

(g) of this policy and the relevant course or subject fitness to practice statement made under this policy.

5.6. Students may:

(a) respond to the allegation in section 5.5 (b) in advance of the hearing in writing, or in person at the hearing, or both; and

(b) bring a named support person or an officer of Student Union Advocacy Service to support the student at the hearing. The named support person cannot be legally trained.

Outcomes

5.7. Following a hearing, and before making a recommendation under section 5.9 of this policy, a faculty Fitness to Practice Committee:

(a) if satisfied that it is necessary to properly evaluate the student's fitness to practice, may require the student to undergo specified medical, or other health professional, assessment or testing with:

(i) that assessment or testing to take place within a specified time and with a health professional chosen by the University; and

(ii) the University to bear the expense of the assessment or testing; and

(b) in requiring the student to undertake an assessment or test in accordance with 5.13(a), the Fitness to Practice Committee must:

(i) be satisfied that there is no less restrictive means reasonably available to enable the person to be assessed or tested; and

(ii) must make the results of the assessment or testing available to the student before a decision is made by the Fitness to Practice Committee.

5.8. Failure by a student to undertake the medical, or other health professional, assessment under Section 5.7 of this policy is not to be actioned as student general misconduct under Part 8 of the [Academic Board Regulation](#), but the relevant faculty Fitness to Practice Committee may take the failure into account in making a recommendation under Section 5.9.

5.9. The faculty Fitness to Practice Committees must make a recommendation to the relevant dean within two business days of the hearing or within two business days of receiving the results of the assessment or testing under section 5.7.

5.10. On the recommendation of the faculty Fitness to Practice Committee, a dean may either dismiss the matter with no further action or undertake any of the actions in accordance with section 39(2) of the [Academic Board Regulation](#).

5.11. Where a student's enrolment is suspended, deans must consider whether a student should be compensated for course or subject fees.

5.12. Within five business days of the hearing, a dean must notify the student of a decision taken under section 5.8 and any right of appeal under Part 10 of the [Academic Board Regulation](#).

5.13. Breaches of fitness to practice rules are to be recorded as breaches of fitness to practice rules and are not to be recorded as either student general or academic misconduct.

6. Roles and responsibilities

<i>Role/Decision/Action</i>	<i>Responsibility</i>	<i>Conditions and limitations</i>
<ul style="list-style-type: none"> • Specify course / subjects to which this policy applies • Establishes faculty fitness to practice officer and committee • Ensures applicant and student notification and student consent • Makes decision based on faculty committee recommendation • Informs student of outcome and appeal right 	Dean	In accordance with this policy
Maintains Schedule 1	Academic Secretary	In accordance with this policy
Endorses the course or subject fitness to practice statement as compliant with this policy	Academic Secretary	
Approves the registration of the course or subject in Schedule 1 of this policy	Academic Board	Approved courses and subjects must fall within the section 2.1 scope of this policy

7. Definitions

“fitness to practice concern” means a concern that a student may potentially, or has, breached one or more of the fitness to practice rules.

“professionally accredited” means that a course or subject meets essential criteria in the training and education of its students in the relevant professional discipline, and that graduates from that discipline achieve the professional competencies and learning outcomes necessary for entry into the relevant level of professional practice. Professional accreditation can be either regulated or non-regulated by legislation. Governments, on behalf of the public, regulate some professions where they wish to assure public safety and designate authority for bodies to accredit professions. In unregulated professions, professional associations may establish an accreditation function as part of their wider professional services and operations.

“properly evaluate” in this policy means a medical, or other health professional, evaluation.

“student” means:

(a) any person enrolled in accordance with the relevant policies and procedures at the University; and

(b) for the purposes of this policy, any person admitted into a course or subject.

POLICY APPROVER

Academic Board

POLICY STEWARD

Academic Secretary

REVIEW

This policy is to be reviewed by 30 November 2024.

VERSION HISTORY

Version	Approved By	Approval Date	Effective Date	Sections Modified
1	Academic Board	5 December 2019	23 December 2019	New policy
2	President, Academic Board	16 November 2020	17 December 2020	Updates to address diversity and inclusion requirements: 4.9(b).