

**Category:** Student Management and Support

**Version:** 7

**Document Type:** Policy

**Document Status:** Published

**Approved On:** 09 January, 2023

**Audience:** Staff, Students, Academic

**Effective Date:** 09 January, 2023

**Review due by:** 31 December, 2023

**Policy Approver:** Vice-President Administration & Finance And Chief Operating Officer

**Policy Steward:** Principal Adviser, Student Conduct

**Supporting Process:**

Student Management and Support Processes

## **Student Fitness to Study Policy (MPF1349)**

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### **1. Objective**

1.1. The objectives of this policy are to:

(a) identify and support students whose behaviour and/or actions in relation to their fitness to study:  
i. may be impacting adversely on, or pose a risk to the student's learning/research or other students' learning/research; and/or

ii. pose a risk to, the health and safety of the student or others.

(b) support students who experience issues that may affect their fitness to study;

(c) provide a suitable framework for the effective, consistent and timely identification and management of fitness to study issues that may arise;

(d) protect the student, staff, faculty, placement providers, the University, and the public.

### **2. Scope**

2.1. This policy applies to:

(a) all students admitted to a course or subject of the University;

(b) enrolled students;

(c) prospective students;

(d) former students seeking to return to study in a course or subject.

2.2. This policy does not operate in matters where a student is initially alleged to have committed student general misconduct, unless the matter is referred under section 4.3(a) or 5.6(b), or is subject to an Immediate Order in accordance with Part 6 of the [Vice Chancellor Regulation](#) .

2.3. This policy works alongside the [Academic Progress Review Policy](#) (MPF1291), [Graduate Research Training Policy](#) (MPF1321), [Student Fitness to Practice Policy](#) (MPF1345) and Part 7 of the [Academic Board Regulation](#) , relevant course and subject rules.

### **3. Authority**

3.1. This policy is made under the [University of Melbourne Act 2009 \(Vic\)](#) and section 31(3) of the [Vice Chancellor Regulation](#) and supports compliance with the Equal Opportunity Act 2011 (Vic) and the Charter of Human Rights and Responsibilities Act 2006 (Vic).

### **4. Policy**

4.1. Students must be offered reasonable support to enable successful completion of study in courses and subjects.

4.2. University staff, including any group or panel, involved in implementing this policy must:

(a) consider what University support may be offered to students to provide equal opportunities for all students to develop their full learning potential and benefit from their study;

(b) undertake procedures or processes that are transparent to the student involved;

(c) handle matters raised under this policy sensitively;

(d) maintain student confidentiality in accordance with the University Privacy Policy ([MPF1104](#)); and

(e) provide any student subject to a concern about the student's fitness to study, an opportunity to be heard and accompanied or represented by a support person.

4.3. The Academic Registrar may, at any time:

(a) refer any matter initiated under this policy to be dealt with under another policy or University Regulation as appropriate; and

(b) stop any actions commenced under this policy.

## **5. Procedural principles**

### **Case Management and Support**

5.1. A dean must appoint at least one senior member of staff as a faculty fitness to study officer to support the implementation of this policy.

5.2. The Academic Registrar must establish a standing Fitness to Study Advisory Group of University staff with expertise in student health, equity and disability, wellbeing and support. The group provides advice to university staff on reasonable adjustments to studies and appropriate ways for the university to respond to and support students whose behaviour has been raised as a concern. The group does not make a diagnosis or provide medical advice on the management of a student's health or disability related condition.

5.3. University staff, students, supervisors or other member of the University community who considers that a student's behaviour represents grounds for concern about the student's fitness to study must report this to the Academic Registrar who may:

(a) refer the matter to be managed according to another policy or process; or

(b) subject to section 5.4, the Academic Registrar will nominate an appropriate case coordinator, who may be a senior member of academic or professional staff with expertise the provision of advice or support in health, equity, disability or wellbeing.

5.4. To nominate an appropriate case coordinator under section 5.3, the Academic Registrar must, in consultation with persons with expertise in health, equity and disability, wellbeing and support and/or one or more relevant faculty fitness to study officer/s, form a reasonable belief that the student's reported behaviour impacts their fitness to study.

5.5. The case coordinator must:

(a) at the earliest opportunity, and as the first step in this process, discuss the concern with the student who is the subject to the concern;

(b) identify any immediate risks associated with the student's behaviour to the student and others and take appropriate steps to address the risk, which may involve pausing a student's participation in specified classes or professional placements, and other University activities, restricting the student's access to campus and/or University managed accommodation, pending the outcome of the fitness to study process;

(c) consider the student's perception of their behaviour, and the response of the student to any steps taken, or proposed to be taken, by the University to manage the situation;

(d) identify existing support and adjustments that are being, or may be, provided to the student in order to address the concern;

(e) seek advice from the Fitness to Study Advisory Group and/or one or more relevant faculty fitness to study officer/s;

(f) where appropriate, request the student to provide further information, such as a health professional report, a safety management or care plan, or a proposal on how to address the issue;

(g) notify the relevant dean of the matter where the conduct is associated with teaching and learning activities.

5.6. Where there is a risk to the student's fitness to study, the case coordinator, with support and advice from the Dean or Academic Registrar, Fitness to Study Advisory Group and/or one or more relevant faculty fitness to study officer/s, may:

(a) take no further action;

(b) refer the matter to be managed according to another policy or process;

(c) refer the student to an appropriate support, counselling or health service, after which ongoing wellbeing assessments may be required;

(d) coordinate services to be provided to the student on the advice of the Fitness to Study Advisory Group; and /or

(e) recommend to the student an adjustment of their study load, which may include taking leave from study.

(f) recommend to the student that where reasonable adjustments can be made to support flexible learning, including adjustments to attendance requirements, they reduce the amount of time they attend the University in person.

5.7. If the concern is not resolved or persists, the case coordinator must refer the matter, along with supporting documents, to the Academic Registrar.

### **Fitness to Study Committee**

5.8. Subject to referral from the case coordinator under 5.7 and in accordance with sections 5.9 - 5.11, the Academic Registrar may establish a Fitness to Study Committee to advise the Academic Registrar on the matter.

5.9. The Academic Registrar must not establish a Fitness to Study Committee unless the Academic Registrar is satisfied that:

(a) the student has been given an opportunity to respond to concerns regarding their fitness to study;

(b) where necessary, adjustments have been identified in accordance with section 40(3) of the Equal Opportunity Act 2010; and

(c) the concerns regarding the student's fitness to study are not resolved or persist.

5.10. A Fitness to Study Committee must, whenever practicable, include —

(a) one relevant fitness to study officer; or

(b) one other senior member of academic staff; or

(c) a staff member from an appropriate counselling, wellbeing or health service; and

(d) two additional members, including at least one health professional who is from the Faculty of Medicine, Dentistry and Health Sciences, with skills or knowledge deemed appropriate by a relevant health professional; and

5.11. A Fitness to Study Committee must not include —

(a) a health professional who has treated or advised the student;

(b) the dean of the relevant faculty;

(c) the head of the relevant school or department.

5.12. A Fitness to Study Committee —

- (a) will be chaired by a senior member of staff appointed in accordance with 5.10;
- (b) must give the student concerned or their representative an opportunity to engage with the Committee in person, in writing or both;
- (c) may request a specific report from a relevant health professional and must accept any medical certificate or other documentation submitted by the student concerned; and
- (d) must allow any health professionals who have treated or advised the student to provide a report to the Committee in person, in writing or both; and
- (e) must, where appropriate, take into account the matters specified in Section 31(2) of the [Vice-Chancellor's Regulation](#).
- (f) may make any enquiries and consult any person, including a relevant fitness to study officer.

5.13. Nothing in this policy prevents the Academic Registrar or delegate from discussing a concern directly with a student, provided the student agrees, in order establish appropriate support to help the student to complete their studies.

## **Student Notification and Response**

5.14. For a matter to be referred to a Fitness to Study Committee, the Academic Registrar must notify a student in writing:

- (a) that the Academic Registrar has been alerted to concerns raised about the student's behaviour or action;
- (b) the particulars of the student's behaviour or actions leading to the concern;
- (c) that the matter has been referred to a Fitness to Study Committee for consideration;
- (d) the place or online method used, the time and date of the Fitness to Study Committee meeting, which must be no earlier than 10 University business days from the date that the matter was raised with the Academic Registrar;
- (e) the student's right to respond to the concern in advance of the Committee meeting in writing, at the meeting, or both;
- (f) the student's right to notify the fitness to study officer that the student will be supported at the meeting by an officer of Student Union Advocacy Service; or a named support person; and
- (g) of this policy and the relevant sections of the [Vice Chancellor Regulation](#) .

5.15. Students may:

- (a) respond to the concerns raised under section 5.14 in advance of the meeting in writing, or at the meeting, or both; and
- (b) bring a named support person who is an officer of Student Union Advocacy Service to support the student at the meeting.

## **Outcomes**

5.16. Within two University business days of the meeting, the Fitness to Study Committee (where appointed) must produce a report of their considerations on the student's fitness to study for the Academic Registrar who may:

- (a) allow the student to continue to study, subject to review under certain specified conditions, such as ongoing support by a qualified health professional and/or careful mentoring by a senior member of academic staff of the faculty;
- (b) request the student complete specific actions in a specified and reasonable time frame to demonstrate their fitness to study (e.g. undertake an action plan to resolve a specific concern);
- (c) recommend to the student that they take a leave of absence from studies for an agreed period to concentrate on their wellbeing and/or to resolve any specific concern, subject to review at the end of that period and demonstration, to the satisfaction of the dean, that they are fit to study;

- (d) recommend to the student that they take an exit award, if one is available, in consultation with the relevant academic division and subject to compliance with the [Academic Board Regulation](#) and Policy;
- (e) recommend to the student that the student voluntarily withdraw from some or all of their study; and/or
- (f) make a recommendation to the relevant dean.

5.17. Failure by a student to undertake any of the outcomes in 5.16 (a)–(e) is not to be actioned as student general misconduct under Part 6 of the [Vice Chancellor Regulation](#) but the Academic Registrar may take the failure into account in making a recommendation under Section 5.16 (f).

5.18. The Academic Registrar must make a recommendation, or recommendations, to the relevant dean within 2 University business days:

- (a) of receipt of the report of the meeting; or
- (b) of any deadline set for the student to undertake an action under 5.16 (a)–(e).

5.19. On the recommendation of the Academic Registrar, a dean may:

- (a) dismiss the matter with no further action; or
- (b) in accordance with section 31(1) of the [Vice Chancellor Regulation](#) , decide on an outcome.

5.20. Where a student’s enrolment is changed under this policy or section 31 of the [Vice Chancellor Regulation](#) , the Academic Registrar must consider whether the student should be compensated for course or subject fees.

5.21. Within 5 University business days of receipt of the report from the Fitness to Study Committee, the Academic Registrar must notify the student of:

- (a) any recommendation and / or decision taken under section 5.16 of this policy;
- (b) any decision made by the relevant dean under section 31 of the [Vice Chancellor Regulation](#) ; and
- (c) any right of appeal under Part 7 of the [Vice Chancellor Regulation](#) .

### **Return to study**

5.22. A dean may permit a student, whose enrolment is suspended or prohibited under section 31(1) of the [Vice Chancellor Regulation](#) , to return to study where a return to study is appropriate and the dean is satisfied that the student has complied with any conditions attached to the return.

### **Confidentiality**

5.23. Any person or committee who exercises any power or carries out any function under this policy or hears any appeal must treat the matter in the strictest confidence, except where necessary for the discharge of that person’s or committee’s responsibilities under to this policy or as otherwise required or permitted by law.

## **6. Roles and responsibilities**

<i><b>Role/Decision/Action</b></i>	<i><b>Responsibility</b></i>	<i><b>Conditions and limitations</b></i>
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<ul style="list-style-type: none"> <li>• Receives concerns about a student’s conduct</li> <li>• Refers matter to another process and/or support services</li> <li>• Nominates a case coordinator if concern is a potential fitness to study issue</li> <li>• Establishes a Fitness to Study Advisory Group and, if the matter is not resolved with the provision of appropriate supports, establishes a Fitness to Study Committee</li> <li>• Ensures student receives timely notification of meetings</li>   <li>• Considers advice and supporting documentation from the case coordinator and if appropriate establishes a Fitness to Study Committee to advise the Academic Registrar on the matter</li> <li>• Makes recommendations based on a report from a Fitness to Study Committee</li> <li>• Ensures the student is informed of outcome of the meeting of a Fitness to Study Committee, and any decision by the dean in relation to a return to study plan</li> <li>• Consults with the Fitness to Study Committee on whether a student has complied with conditions to return in study.</li> <li>• Informs student of decision of the dean and appeal rights</li> </ul>	<p>Academic Registrar</p>	<p>In accordance with this policy</p>
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<ul style="list-style-type: none"> <li>• Received advice from the Academic Registrar related to a fitness to study concern</li> <li>• Liaises with Fitness to Study Officer or Faculty Wellbeing Officer, or Student Accommodation Manager where relevant.</li> <li>• Discusses fitness to study concerns with the student involved</li> <li>• Explores with the student the nature of the behaviours that is the focus of the concerns</li> <li>• Identifies existing support and adjustments that may be provided to the student in order to address the concern</li> <li>• Seeks advice on reasonable adjustments</li> <li>• Seeks advice from the Fitness to Study Advisory Group and the relevant faculty officer/s</li> </ul>	<p>Case Coordinator (who may also be the Fitness to Study Officer)</p>	<p>In accordance with this policy</p>
<ul style="list-style-type: none"> <li>• Provides advice to the case coordinator and Advisory Group on fitness to study concerns</li> </ul>	<p>Faculty Fitness to Study Officer (who may also act as case manager)</p>	<p>In accordance with this policy</p>

<ul style="list-style-type: none"> <li>• Appoints Fitness to Study Officer</li> <li>• Receives reports about concerning student conduct</li> <li>• Makes recommendations and/or referrals to the Academic Registrar based on a report from Faculty Fitness to Study Officer, Faculty Wellbeing Officer or Fitness to Study Advisory Group</li> <li>• Receives recommendations from the Academic Registrar based on a report from a Fitness to Study Committee</li> <li>• Receives recommendations from the Academic Registrar on the student's return to study</li> <li>• Approves return to study plan</li> </ul>	Deans	In accordance with this policy
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## 7. Definitions

**Health** includes, but is not limited to, having a disease notifiable under the Public Health and Wellbeing Regulations 2009.

**Senior member of staff** means an academic staff appointed at the classification level C or above and a professional staff member at UoM10 or above

**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.

**Study** in this policy refers to learning, research or any other activity related to their program studies

**University business day** means a day that is not a Saturday, Sunday or a University holiday as indicated on the University calendar (as amended from time to time).

## POLICY APPROVER

Vice-President Administration and Finance, and Chief Operating Officer

## POLICY STEWARD

Principal Adviser, Student Conduct

## REVIEW

This policy is to be reviewed by 31 December 2023.

## VERSION HISTORY

Version	Approved By	Approval Date	Effective Date	Sections Modified
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1	Vice-Chancellor	9 December 2020	11 December 2020	New policy.
2	Policy Officer	3 February 2021	3 February 2021	Corrected errors in attributes.
3	Principal Adviser, Student Grievances and Complaints	23 March 2021	23 March 2021	Section 6 - editorial amendment to terminology for consistency.
4	Principal Adviser, Student Conduct	3 August 2022	3 August 2022	Name change to policy steward from Principal Adviser, Student Grievances and Complaints to Principal Adviser, Student Conduct.
5	Principal Adviser, Student Conduct	8 December 2022	8 December 2022	Editorial amendments, changes to clarify process gaps, and to identify points at which this Policy may draw upon the provisions of the Student Conduct Policy in response to behavioural concerns and changes to reflect amendments made to the Vice-Chancellor Regulation
6	Principal Adviser, Student Conduct	9 January 2022	9 January 2022	Editorial amendments.