

Fitness for Study Procedure

Section 1 - Purpose

(1) This procedure is designed to be supportive of students who are experiencing difficulties. This may include acting or reacting in a way that gives other members of the University community, external work placements and research partners cause for concern in the broadest sense. The University is committed to supporting student wellbeing. It recognises that there may be times when a student's behaviour can give rise to concerns about their fitness to engage with their studies and/or being able to function more widely as a member of the University community.

(2) This procedure also includes students being able to demonstrate the ability to live independently on campus and in harmony with others, participate to their full capacity in their workplace learning obligations and undertake research activities, and not conduct themselves in a way that adversely impacts those around them.

(3) The focus of this procedure is to maintain and enhance the quality of life for all within the University community by promoting student behaviour that accords to socially acceptable conventions or standards. The University currently has regulations and procedures in place to deal with students whose behaviour falls outside these standards, including the Student Charter and Student Misconduct Rule 2020.

Date of effect

(4) This procedure will take effect in teaching periods that begin on or after 1 July 2022.

Scope

(5) This procedure applies to all Charles Sturt University students, irrespective of mode or location of study, and in all University-related activities or locations, including but not limited to non-study related activities, student residences, research activities and work placements.

Section 2 - Glossary

(6) This procedure uses terms defined in the Student Misconduct Rule 2020, as well as the following:

- a. Case coordinator - means a University staff member appointed by the decision maker or Executive Director, Safety, Security and Wellbeing for case management purposes.
- b. Decision maker - means the Executive Dean (or nominee), Director, Commercial Services, Dean, Graduate Research or Associate Dean (Partnerships and Workplace Learning) (or nominee).
- c. Designated officer - means the Head of School, Head of Discipline, Course Director, residential managers, or workplace learning academic.
- d. Fit for study - as defined in clause 13.
- e. Fitness for study report - means a report provided by a medical officer or professional adviser, who is endorsed by the Executive Director, Safety, Security and Wellbeing, advising whether a student is fit for study.
- f. Inherent requirements - means the academic and other requirements of a course that all students must meet to achieve the course learning outcomes, and the knowledge, abilities, skills and qualities students will need to have in order to achieve them as outlined in the University [inherent requirements](#) statements.

- g. Primary person – means any member of the University’s staff who identifies a student as being potentially unfit for study.
- h. Required leave – means a period of leave imposed on a student by the University because the student is found to be unfit for study through the process described in this procedure.
- i. Stage one/stage two/stage three – as defined in clause 16.
- j. Study access plan – means a plan developed by the University that outlines the recommended support needed to help a student with a disability or temporary impediment due to illness to succeed at university.
- k. Unfit for study – as defined in clause 14.

Section 3 - Policy

(7) This procedure supports the Student Misconduct Rule 2020, the University’s [inherent requirements](#) and the Student Charter.

Section 4 - Procedure

Application of this procedure

(8) This procedure may be applied where episodes of student behaviour may be considered misconduct, or when unreasonable demands are placed on University staff or on fellow students, that may be directly related to a student’s health and general wellbeing and where disciplinary action may not be the appropriate response.

(9) The focus of this procedure is early intervention, providing coordinated support to students and staff, and providing fair avenues for students presenting with at-risk behaviours to suspend studies where necessary and be placed on required leave.

(10) At any point prior to or during the application of this procedure, the University will assess the situation and can potentially enact the student misconduct processes if the relevant decision maker considers the student’s behaviour is a potential breach of the Student Misconduct Rule 2020.

(11) This procedure does not replace or otherwise affect the support that is available to students presenting with health or disability-related conditions under the Disability and Work or Study Adjustment Policy.

(12) This procedure does not replace or otherwise affect the authority of the Executive Dean to refuse a student permission to undertake workplace learning in accordance with the Assessment Policy.

Detailed criteria for identifying a student’s at-risk behaviour

(13) A student is considered fit for study when they:

- a. are able to function independently and safely participate in the University's learning and research environments, and/or
- b. have psychological or physical challenges which do not unduly disrupt or adversely impact the learning, research or work of others in the University community.

(14) A student is considered unfit for study if they:

- a. pose a substantial risk to their own health, safety and wellbeing or that of others
- b. adversely affect the teaching, learning or experience of other students
- c. adversely affect the day-to-day activities of the University, its staff, other students in their learning environment

or a workplace learning provider, and/or

- d. require support beyond the services which the University can reasonably be expected to provide either directly or indirectly.

(15) The following may be considered in any decision to initiate this process:

- a. The student's health conditions or an inability to manage their own health and safety are disrupting and impacting their own studies, the studies of their peers, or the ability of University staff, workplace learning staff and clients to undertake their own work (even with the introduction of reasonable adjustments by the University acting in accordance with its responsibilities under the Disability and Work or Study Adjustment Policy).
- b. The student is perceived to be placing unreasonable demands on staff or other students.
- c. The student lacks insight into the detrimental impact their health condition and/or behaviour is having on other students and University staff, workplace learning staff and clients.
- d. The student exhibits behaviours that would otherwise be dealt with under the Student Misconduct Rule 2020, however, could possibly be considered to be a direct result of an underlying physical or mental condition.
- e. The student's academic performance or physical conduct is not acceptable and could possibly be considered to be a result of an underlying physical or mental condition.
- f. The student appears to present at-risk behaviours to themselves or others which contravene health and safety legislation and the University's duty of care to its community.
- g. The student makes disclosures that present a serious and imminent risk to life or health of themselves or another person or a threat to public health or safety.

(16) The University has three levels for responding to an unfit for study concern:

- a. Stage one – Isolated or emerging low-level unfit for study concern – means when a student is acting or reacting in a way that gives other members of the University community cause for concern.
- b. Stage two – Continuing or significant unfit for study concern – means when a student, despite previous intervention, continues to act or react in a way that gives other members of the University community cause for concern.
- c. Stage three – Persistent or critical unfit for study concern – means when a student's actions or behaviour impact adversely on other members of the University community.

Stage one - Isolated or emerging low-level concerns

(17) Where a member of the University's staff (the primary person) identifies a student as being at stage one, the following process will occur:

- a. The primary person will informally discuss their concerns with the identified student, stating the symptoms, actions or patterns of behaviour that are causing concern to themselves or others, and suggest appropriate student support teams that the student may contact for information on services that are available.
- b. The primary person will report their student safety and wellbeing concerns to a designated officer using the [unfit for study form](#).
- c. The designated officer will initiate contact with the student and organise a meeting to discuss concerns raised.
- d. The student should be advised in writing of the following:
 - i. A meeting will be held with 48 hours notice with the primary person and the designated officer.
 - ii. The student may bring a support person to the meeting. The support person or advocate cannot be a currently practising barrister or solicitor and must be available at the date and time specified in the notice of the meeting. If the student does not attend the meeting without a reasonable excuse, the meeting will go ahead and a support plan will be developed in their absence.

iii. Purpose of the meeting:

- to discuss the nature of the concern(s) raised and advise that the matter is being dealt with under stage one of this procedure
- to explore the concern that the student is unfit for study and gather information to determine if the matter remains a stage one matter, and
- to determine if the student has brought forward any solutions which may be incorporated into a stage one plan.

e. During this meeting, the designated officer may:

- i. suggest that the student apply for changes to their enrolment or study load
- ii. suggest that the student request (or review if one is already in place) a study access plan, or
- iii. take other action to assist the student as may be appropriate in the circumstances.

f. The designated officer should provide the student with written confirmation of the steps taken under clause 17e.

g. The designated officer will organise a review meeting with the student after they have been given sufficient time to access support or address the concern(s) raised.

h. Notification of the concerns should be made to the Safe and Fair Communities unit.

i. At or after the review meeting, the designated officer will determine if the matter remains at stage one or is moved to stage two. The student will receive a stage one plan that is reviewed regularly by the designated officer and remain valid until the designated officer deems it is no longer required or that matter is again referred to stage two for further consideration.

See [stage one workflow](#).

Stage two - Continuing or significant concern

(18) The student will be referred to stage two if the designated officer identifies stage two concerns regarding the student after a review meeting.

(19) For students identified as being at stage two, the designated officer should refer their concerns to an applicable decision maker using the [unfit for study form](#), and providing the following information:

- a. Details of the concern or incident(s) that has 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 is considered a recurring behaviour).
- b. Any actions taken at stage one to resolve the concern including whether those actions have been successful.
- c. Any contact with the student who is the subject of concern.
- d. Any contact with University staff regarding the incident and any outcomes.

(20) A further assessment to determine whether the student's behaviour requires additional investigation and action will be performed by the decision maker and a case coordinator appointed to assist the decision maker. The case coordinator will request relevant stakeholders to support the decision maker as required.

(21) The decision maker will seek further information and advice from impacted areas to ensure a decision is made with consideration to all areas of the student experience, including:

- a. Pro Vice-Chancellor (International) (or nominee) (for international students)
- b. Executive Director, Safety, Security and Wellbeing (or nominee)
- c. Executive Dean (or nominee)

- d. Workplace learning academic
- e. Director, Commercial Services (or nominee)
- f. Dean, Graduate Research
- g. External professional bodies or agencies if required (subject to compliance with relevant privacy law obligations).

The preliminary assessment may recommend that additional support measures be implemented for the student. This will be recorded as a support plan, with a review date included.

(22) If the assessment concludes that no further action is required, the referring primary person will be advised accordingly. The student will return to study with a stage one plan that is reviewed regularly by the designated officer. The plan will remain valid until the designated officer deems it is no longer required or that the matter is again referred to stage two for further consideration.

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

- a. student misconduct and referred to the Associate Director, Safe and Respectful Communities and managed in accordance with the Student Misconduct Rule 2020, or
- b. referred to stage three and managed under this procedure.

(24) A 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 or at a meeting
- c. remind the student of their option to take a leave of absence or seek additional support services to make changes to their current study load and provide details of the process to do so
- d. if a leave of absence is elected, note that the student will comply with the return to study criteria outlined in this procedure
- e. provide the website link to this procedure, and
- f. remind the student of support services available through the University.

(25) All communications to students will be handled with sensitivity and be supportive of the student's situation. Communications will be managed with strict confidence and in compliance with the Privacy Management Plan.

(26) The notification to the student will be copied to the relevant stakeholders including the Safe and Fair Communities unit.

(27) Based on what is in the best interests of the student and other impacted staff and students, a decision maker will consider all available information and, after consultation, will determine whether the student should:

- a. remain enrolled without conditions
- b. remain enrolled with conditions
- c. be asked to provide evidence of being fit for study, or
- d. be referred to the student misconduct process or another University process.

See [stage two workflow](#).

Stage three - Persistent or critical concerns

(28) Where a decision maker identifies a student as being at stage three and refers the matter to the Executive

Director, Safety, Security and Wellbeing, using the [unfit for study form](#) the following process will occur:

(29) The Executive Director, Safety, Security and Wellbeing will appoint a case coordinator, who will:

- a. notify and liaise with the Associate Director, Safe and Respectful Communities 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 Division of Safety, Security and Wellbeing and other relevant staff in the faculty, the Office of Research Services and Graduate Studies or Residence Life, and
- c. arrange a meeting with the student and any other relevant University representatives, with 48 hours' notice to discuss the concern, invite the student to bring to the meeting any information or material that may be relevant, and provide the student with an opportunity to bring a support person. The support person cannot be a currently practising barrister or solicitor and must be available at the date and time specified in the notice of the meeting.

(30) At the meeting, the case coordinator 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.

(31) The case coordinator may recommend one or more of the following, for approval by the Executive Director, Safety, Security and Wellbeing, in accordance with this procedure:

- a. Request that the student direct all communications to nominated staff, and refrain from contacting other staff.
- b. That the delegated officer cancel the student's enrolment (either from specific subjects/courses or from all Charles Sturt University courses) without academic penalty, for a period of up to three years (required leave).
- c. Prohibit the student from accessing University facilities or premises.
- d. Require the student to provide [suitable medical or professional evidence](#) that they are fit for study (which may include but is not limited to evidence regarding capacity to manage independently in the University residences and workplace learning settings and evidence that the student will have ongoing support to manage their studies/behaviours).
- e. Require the student to engage in specific activities to resolve any unfit for study concerns before or during a student's return to study.

(32) Once approved by the Executive Director, Safety, Security and Wellbeing, the case coordinator will:

- a. confirm in writing to the student any actions taken, or recommendations made in accordance with clause 31
- 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
- c. state a review date at an appropriate time in the future, and
- d. inform relevant persons as to what course of action has been implemented.

See [stage three workflow](#).

Record-keeping processes

(33) All actions undertaken under this procedure will be recorded in the University's centrally managed record-keeping system and remain confidential.

(34) Staff interacting with students pursuant to this procedure will upload all written communications or notes of interactions with students under this procedure into the University's record-keeping system.

(35) Where students seek support from a central service to improve their study, the service will record that fact in the system. All written communication will need to use specific, definite, accurate, non-confusing language and without acronyms. Ensure non-bias statements, impartial facts, interventions, observations, and assessments, are recorded appropriately. These records will be objective and not include: emotional reactions/opinions, value judgements, unfounded speculations/assumptions, hearsay, or misleading information.

(36) To make an accurate assessment of a student under this procedure, University staff members may be required to obtain information from other staff, including but not limited to faculties, Division of Safety, Security and Wellbeing, Division of Student Success, residential managers, the Office of Research Services and Graduate Studies, academic staff and workplace learning providers. This information must be filed with the student's record in the University's record-keeping system.

(37) If student counselling records are required, authority to release this information must be sought from the General Counsel. If the disclosure of these records is considered necessary to lessen or prevent a serious and imminent risk to life or health of any person, or a threat to public health or public safety, the records will be made available as determined by the Executive Director, Safety, Security and Wellbeing (or nominee). If required by law to disclose these records, the counselling team will disclose this information (for example, the mandatory reporting of a serious crime).

Non-compliance with the procedure

(38) Where a student refuses to engage with the relevant designated officer, decision maker or case coordinator, does not attend a meeting, is unable to be contacted, or the concern persists, the University may deal with issues based on written reports and/or statements in the absence of the student and/or their representative. While this process is being undertaken the student may be suspended from enrolment in their course.

Immediate suspension: immediate or serious risk to the student or others

(39) The Executive Director, Safety, Security and Wellbeing may suspend a student for a defined period, effective immediately, where they have the reasonable belief that the student poses an immediate threat to themselves or other persons. To make this decision, the Executive Director, Safety, Security and Wellbeing will consult with the Deputy Vice-Chancellor (Academic) and, where necessary, appropriate members of staff from the Division of Safety, Security and Wellbeing, faculty workplace learning team, Office of Global Engagement, Office of Research Services and Graduate Studies and Residence Life.

Return to study

(40) A student may only return to study at the beginning of an academic session, appropriate to their course. Return to study does not guarantee a return to on-campus accommodation, however, this may form part of the return to study plan if required.

(41) Where a student is returning to study from required leave, or if a student has agreed to a leave of absence as a result of findings under this procedure, before returning the student must provide the decision maker with evidence that they are fit to return to study.

(42) Such evidence may include the following:

- a. A fitness for study report or other suitable medical or professional evidence as may be determined acceptable by the decision maker. An assessment for return to study must be provided within a minimum of 21 days prior to the return to study date. If the report is dated more than 30 days prior to the return to study date the student must present a certificate advising they are fit for study no more than two weeks prior to commencement.
- b. Evidence that the student has and will engage with ongoing support provided either by an external agent or the University to manage their studies and interactions with the University community.
- c. Evidence that specific activities have been, or are being, undertaken to support the student.

(43) The decision maker will assess the evidence provided, liaise with any relevant stakeholders or industry professionals, and make recommendations to the Executive Dean of the faculty or Deputy Vice-Chancellor (Research) whether it is suitable for the student to return to study and if so, on what conditions (if any).

(44) 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 Executive Dean of the faculty or Deputy Vice-Chancellor (Research) with any further information or evidence that may be relevant.

(45) The Executive Dean of the faculty or Deputy Vice-Chancellor (Research) 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 for study report or other suitable medical or professional evidence of their fitness for study on a regular basis during the remainder of their studies
- b. requiring the student to undertake specific activities to address the unfit for study concern, and/or
- c. enrolment restrictions.

(46) Before a student returns to study, the case coordinator, in consultation with the Course Director or Sub Dean Graduate Studies, will create a return to study plan for the student.

(47) The return to study plan will reflect the outcome in clause 45 and provide further information about support services available to the student. The University will consult with the student about course progression.

(48) The case coordinator will notify relevant staff about the student's return to study and, where appropriate and relevant, any ongoing conditions or actions required to support the student.

Appeals and complaints

(49) Where a student wishes to appeal an original decision made under this procedure, or has a complaint about their treatment, quality of service or the conduct of staff, the following policies apply:

- a. University Student Appeals Policy
- b. Complaints Management Policy

Notification of external appeal avenue to international students

(50) Where an appeal by a student studying on an Australian international student visa does not overturn the required leave decision, the University will communicate the outcome to the student and inform them that:

- a. their appeal has not overturned the required leave period and the reasons for this decision
- b. the University now intends to require them to take leave and report this to the Department of Home Affairs,

which may lead to cancellation of their student visa

- c. they have the further right of appeal to the external reviewer for such appeals in the relevant state or territory
- d. the University will not report their requirement to take leave to the Department of Home Affairs for 20 business days, and
- e. if, before the end of the 20 business days, the student provides evidence they have submitted an external appeal (such as the reply by the New South Wales Ombudsman with the case number), the University will wait until the outcome of that appeal is known before the leave period commences and notifying the Department of Home Affairs.

(51) Where the student is studying on an international student visa, once all appeal processes have ceased, the University will notify the Department of Home Affairs of the interruption to their enrolment. The University will notify the student that this may lead to the cancellation of their student visa.

Section 5 - Guidelines

(52) Nil.

Status and Details

Status	Current
Effective Date	27th June 2022
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