

# Student Involuntary Medical Leave Policy

## Section 1 - Background and Purpose

- (1) To provide a leave option with managed return to study for students with a serious health condition which may:
- adversely affect their capacity to study;
  - cause or contribute to behaviour which risks harm to self or others;
  - or otherwise disrupts the business or activities of the University.
- (2) To manage infrequent situations where the [Student Behaviours Policy](#) and [General Misconduct Statute 2009](#) is not the appropriate means of dealing with a case.
- (3) To provide a process for placing a student on involuntary leave where there is a reasonable belief that the student has a serious health condition that makes them unfit to attend university or continue in a course for a period of time and where the student is unwilling or unable to request a leave of absence.

## Section 2 - Scope

- (4) This Policy applies to all students at all campuses (including when students are representing La Trobe across Australia and abroad).

## Section 3 - Policy Statement

- (5) La Trobe University aspires to provide an outstanding student experience that is conducive to scholarly activity and supportive of individual learning goals. Underpinning this experience is a safe, inclusive and respectful environment.
- (6) La Trobe University will not tolerate instances of unacceptable behaviour on any La Trobe University campus, or when representing La Trobe University within the broader community.
- (7) This Policy does not preclude action in response to criminal activity or serious violations of La Trobe University rules, policies or procedures.
- (8) The University will respect the rights of students by:
- ensuring transparency in processes;
  - clearly communicating expectations and outcomes when appropriate;
  - ensuring procedural fairness;
  - providing students with the opportunity to respond to reports, assessments and other outcomes of decision-making processes; and
  - ensuring all information is kept in accordance with the University's [Privacy - Personal Information Policy](#) and

- (9) The University will support students to manage their health conditions by:
- a. providing counselling and disability support services (if appropriate);
  - b. making reasonable adjustments to academic study;
  - c. allowing special circumstances fee remissions to lessen financial impact on students, where possible;
  - d. facilitate leave from study, including retrospective amendment to enrolment status.

## Section 4 - Procedures

### Part A - Reporting a Serious Health Condition

(10) Any member of the University community can report concerns to the [Safer Community](#) where they have a reasonable belief that a student's unacceptable behaviour may be the result of a serious health condition and the said behaviour is negatively impacting the student or the University community.

(11) If, during an investigation into a student's alleged unacceptable behaviour, there is reasonable grounds to believe that the unacceptable behaviour is related to a student's serious health condition, the matter must be reported to Executive Director, Student Services and Administration.

### Part B - Investigating a Serious Health Condition

(12) On receiving a report or being informed that a student may have a serious health condition, the Executive Director, Student Services and Administration will commission an investigation as they deem appropriate. This may include:

- a. determining whether the student has received appropriate levels of support;
- b. convening a meeting of the Complex Behaviours Risk Advisory Group;
- c. meeting with relevant staff or affected students;
- d. reviewing previous reports of concerning behaviour;
- e. meeting with the student concerned.

(13) The Executive Director, Student Services and Administration should, where time and circumstances permit:

- a. seek the advice of a mental health professional or medical practitioner; and/or
- b. request medical reports related to the person's health condition; and/or
- c. examine submissions made by the student about their health condition to assist with their assessment.

### Part C - Decision to Activate Involuntary Medical Leave

(14) The Executive Director, Student Services and Administration will consider all evidence, submissions, reports or matters raised in meetings with affected parties and determine whether Involuntary Medical Leave should be applied if the following conditions are met:

- a. there is sufficient evidence that the student may have a serious medical condition that is substantially and negatively impacting their behaviour; and
- b. there is a need to protect the health and safety of the student or any other students, staff members, visitors or other members of the University community or there is a need to protect or preserve property on University

premises.

(15) The timeframe and conditions of return to study will be determined by the Executive Director, Student Services and Administration. The maximum timeframe for Involuntary Leave to be applied under this Policy is twelve (12) calendar months. Where time and circumstances permit, medical professionals, disability advocates and other expert parties may be consulted.

(16) In consultation the Deputy Director, Student Administration and the Executive Director, Student Services and Administration may allow a retrospective withdrawal or retrospective leave of absence and consider remission of debt at their discretion.

## **Part D - Denial of Access in a Situation of Substantial Risk**

(17) Following investigation and review by the Executive Director, Student Services and Administration and/or the Complex Behaviours Risk Advisory Group, if there are reasonable grounds for believing that:

- a. the student has a serious health condition; and
- b. denial of access to the University's premises could reasonably be expected to avert a substantial risk in order to:
  - i. protect the health and safety of the student or any other students, staff members or visitors to the University; or
  - ii. protect or preserve property on University premises

the Executive Director, Student Services and Administration may recommend the denial of access to University premises for any period deemed appropriate without prior notice to the student.

## **Part E - Notification of a Decision**

(18) In the event that a recommendation is made to apply Involuntary Medical Leave under this Policy, the Executive Director, Student Services and Administration will ensure that the following will occur:

- a. Preparation of a written notice to the student that:
  - i. sets out the nature of the assessment of the person's health and grounds for the belief that it is a serious health condition;
  - ii. outline the consequences of finding that the person has a serious health condition;
  - iii. outlines the conditions for return to study under this Policy.
  - iv. outlines the timeframe for which the Involuntary Medical leave applies.
- b. Advice is obtained where appropriate, including medical and/or other professional advice, on the most appropriate method of communicating with the student;
- c. An appropriate person/s meets with the student to discuss the decision, the grounds for return and provides information on support services available to the student;
- d. The student is apprised of their right to be accompanied to the meeting by a support person, other than a legal practitioner or person with a law degree.

(19) This written notice will be forwarded to the student within ten (10) working days of the initial report being received by the Executive Director, Student Services and Administration from the [Safer Community](#) service.

(20) A copy of this written notice will be forwarded to relevant University business units in accordance with the University's [Privacy Policy](#) for relevant action to be undertaken.

## Part F - Review Process

(21) A student may seek a review of any decision to activate Involuntary Medical leave; the required conditions of return to study; and applied timeframes from the Executive Director, Student Services and Administration.

(22) The student seeking a review against the decision must:

- a. be the same person to whom the notice is addressed;
- b. submit their signed and dated appeal in writing within ten (10) working days, unless otherwise indicated in the notice;
- c. provide their preferred contact details for use in any investigation regarding their health condition;
- d. provide a response to the report/grounds for the assessment that they may have a serious health condition; and
- e. include copies of any supporting medical report or evidence which they have cited in their request for review.

(23) If the student has been offered and taken up an option to respond in person:

- a. the student may be accompanied to this meeting by a support person, other than a legal practitioner or person with a law degree;
- b. the Executive Director, Student Services and Administration should be accompanied to the meeting by another staff member.

(24) If the student has been admitted to hospital or is incapacitated at the time of issue of the notice, the Executive Director, Student Services and Administration may, at the discretion, grant additional time and flexible options for submission of the request for review.

## Part G - Support for Students

(25) At any time during notification and responding to a student who is believed to have a serious medical condition, support will be offered and provided by the University through services such as, but not limited to, the [Safer Community](#) service, Counselling Services, Equity and Diversity (disability support), student organisations or other relevant community services.

(26) The University will offer continued support to students on Involuntary Medical Leave by:

- a. maintaining appropriate contact with the student to improve their chances of a successful return to studies;
- b. ensuring the student understands their responsibilities to comply with medical treatment plans whilst on Medical Leave; and
- c. encouraging the student to maintain contact with supportive colleagues and peers.

## Part H - Re-admission After Involuntary Medical Leave

(27) Students placed on Involuntary Medical leave will need to apply for re-admission after the application of leave to the Executive Director, Student Services and Administration for assessment.

(28) The student must have met the conditions to return to study as set out in the Involuntary Medical Leave decision.

(29) The Executive Director, Student Services and Administration may require the person to undergo a medical examination, at the expense of the University, by a medical practitioner nominated by the University and may specify the nature of the examination and timeframe within which such examination must be undertaken.

(30) The University may make a condition for return to study that they be able to communicate with the medical practitioner to clarify any issues of concern.

(31) A medical practitioner may include a general practitioner, registered psychologist, psychiatrist or other registered specialist.

(32) The Executive Director, Student Services and Administration may determine that further Involuntary Medical Leave is required. The maximum timeframe for additional Involuntary Medical Leave to be applied under this Policy is twelve (12) calendar months. Notification of this decision is to follow the written notice requirements of Part E of this Procedure.

(33) A student may seek a review of any decision to activate additional Involuntary Medical Leave; the required conditions of return to study; and applied timeframes from the Executive Director, Student Services and Administration. The student seeking a review must follow the review process as prescribed in Part F of this Procedure.

## **Section 5 - Definitions**

(34) For the purpose of this Policy and Procedure:

- a. Serious health condition: an illness or health condition, including chronic illness, mental health condition or disability which adversely impacts on a student's capacity to successfully progress in or benefit from a course of study or results in behaviour that could reasonably be expected to cause:
  - i. physical injury to the person concerned or any other person;
  - ii. unacceptable behaviour that significantly impacts any member or visitor of the University or during activities associated with the university;
  - iii. serious emotional disturbance;
  - iv. serious disruption to academic or other activities;
  - v. serious damage to property.

## **Section 6 - Stakeholders**

Responsibility for implementation – Executive Director, Student Services and Administration.

Responsibility for monitoring implementation and compliance – Executive Director, Student Services and Administration.

## Status and Details

<b>Status</b>	Historic
<b>Effective Date</b>	7th November 2017
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