

Policy Number	NAP_013
Approving Authority	Academic Board
Date Implemented	July 2024
Current Version	01
Date of Review	March 2026
Contact Officer	Director of Learning & Innovation
Related Policies, Procedures and Documents	Admissions Policy Assessment Policy Student Support and Academic Intervention Policy NIDA Student Charter (incorporating the NIDA Code of Conduct) NIDA Student Handbook Study Access Plans (SAPs) Privacy Policy Non-Academic Complaints and Appeals for Students Form Anti-Discrimination, Bullying and Harassment Policy WHS Policy

1. PURPOSE




The purpose of this policy is to outline NIDA’s framework for managing situations where NIDA reasonably believes a student’s behaviour or episodes of behaviour may be impacting on their ability to study and is:

- posing a risk of harm to the health and safety or wellbeing of a student,
- impeding other student(s) and staff(s) health and safety and ability to engage in a safe learning environment or
- causing serious disruption to others and where disciplinary action may not be the appropriate response.

The policy is designed to ensure a consistent and sensitive approach to managing such situations.

2. SCOPE OF POLICY

This policy applies to:

Undergraduate Courses (BFAs)	Postgraduate Courses (MFAs)	Vocational Diplomas
		

- 2.1 This policy and procedure applies to all NIDA students in accredited courses regardless of mode or study location, and in all NIDA related activities including productions, industry placements and field trips, where a student’s physical or mental health condition is:
- a. Adversely impacting their progress in a course of study or subject; and

- b. Requires adjustment or facilities that cannot reasonably be provided; or
 - c. Creates a reasonably perceived risk of adverse consequences for themselves or any other member of the NIDA community, including peers in collaborative assessments such as productions and group work projects.
- 2.2 This policy does not include any allegation of student misconduct which will be managed under the Student Conduct Policy
- 2.3 The procedures in this document do not replace or modify procedures or any other responsibilities that may arise under other higher education provider policies, statutes, or any other law.
- 2.4 This policy and procedure does not limit or prevent any person from seeking the assistance of an independent person or relevant external agency to resolve an appeal.
- 2.5 The Director Learning and Innovation is responsible for:
- Ensuring the accessibility of this policy by staff and students.
 - Implementation of this policy.

3. PRINCIPLES

3.1 NIDA is committed to providing equitable and fair support and reasonable adjustments for students declaring an underlying disability or physical or mental health condition but has duty of care to respond appropriately where there are concerns relating to a student's Fitness to Study.

3.2 Early intervention is key for a safe learning and teaching environment for all stakeholders.

3.3 All actions under this Policy are to be underpinned by principles of mutual respect and procedural equity and fairness for and by all students, staff and others who may be involved.

3.4 When exercising powers under this Policy, NIDA will comply with its legal obligations, in particular with anti-discrimination and workplace health and safety legislation, and relevant judicial decisions of any state-based independent statutory authority.

4. POLICY

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

4.2 NIDA staff involved in implementing this policy must:

- (a) consider what reasonable adjustments NIDA may offer 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 all matters raised relating to this policy sensitively;
- (d) maintain student confidentiality in accordance with the NIDA's Privacy Policy; 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 Rationale for Undertaking a Fitness to Study Assessment

4.3.1 A Fitness to Study Assessment may be made if:

- a) a student's health condition may be reasonably assessed as not being well managed by a student and therefore it is having an adverse impact on the student and /or others;
- b) a student's health condition is impacting adversely on their progress in a course of study, subject or assessment;

- c) The student is perceived to be placing unreasonable demands on staff or other students,
- d) The student exhibits behaviours that would otherwise be dealt with under the Misconduct Policy, however, could possibly be a direct result of an underlying physical or mental condition.
- e) A student's behaviour or health condition requires adjustment or facilities that cannot reasonably be provided; or
- f) The student's behaviour poses a risk of adverse consequences for themselves or any other member of the NIDA community, as it could reasonably be assessed as contravening health and safety legislation and NIDA's duty of care to its community.
- g) The student's behaviour is impacting negatively on the academic progress and achievement of other students in, for example, collaborative activities, group work, collaborative assessments and productions and industry placement.
- h) 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

4.3.2 At the earliest opportunity the Director Learning and Innovation will 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 suspending a student's participation in specified classes or industry placements, and other NIDA activities and or restrict the student's access to the NIDA campus, pending the outcome of the fitness to study process;

4.3.3 Any report of a health condition that may affect a student's fitness to study will be managed with in accordance with the Fitness to Study Procedure

4.4 Support during a Fitness to Study Assessment

4.4.1 A student may seek confidential, independent advice from Student Services or NIDA counselling staff at any stage.

4.4.2 Where appropriate, the Director Learning and Innovation may nominate an appropriate staff member to provide the student with optional care and support. This support will be free and confidential.

a. 4.4.3 In any discussions, interview or hearing in which a student participates during any stage of the Fitness to Study Assessment process, the student may, be accompanied by one person whom the student designates as their support person. First Nations students can seek cultural support from NIDA's First Nations Team.

4.4.4 A support person may not be a person:

- a. with a qualification in law; or
- b. who is involved in or associated with the matter under review.

4.4.5 A support person may speak where required for reasons of clarification but may only make submissions on behalf of a student if invited to do so by the responsible officer or committee dealing with the matter.

4.5 Fitness to Study Committee

4.5.1 A Fitness to Study Committee will be constituted by the Director Learning and Innovation and will consist of:

- a. Director Learning and Innovation as Chair
- b. The Equity and Inclusion Manager
- c. The Manager Student Services
- d. A member of the academic staff from the academic discipline in which the student is enrolled

4.5.2 A Fitness to Study Committee will not include:

- a. any member of the NIDA Executive;
- b. any member of staff who has made a determination directly related to the matter;
- c. a person who has treated the student for the health condition in question; or
- d. a person who has given advice to the student in relation to the matter.

4.5.3 The quorum of the Fitness to Study Committee is all three members.

4.5.4 The Director Learning and Innovation will appoint a staff member as a non-voting minute taker

4.6 Determinations of the Fitness to Study Committee

4.6.1 A Fitness to Study Committee may determine that a student:

- a. is permitted to resume or continue their enrolment in a course, subject or assessment;
- b. is permitted to resume or continue their enrolment in a course, subject or assessment with conditions imposed, including provision of an alternative assessment;
- c. is excluded for a period of up to two semesters (one year) with conditions placed on readmission or return to study, where required; or
- d. will have their enrolment cancelled as a medical withdrawal.

4.6.2 Where a student is permitted to continue their enrolment in a course, subject or assessment with conditions, the conditions that must be satisfied may include any, or all, of the following:

- a. following medical, behavioural or other specified directions, including taking medication;
- b. an interruption of studies for no less than one and no more than two standard semesters.

4.6.3 Where a student is not permitted to continue or resume their enrolment in a course, unit or assessment, the decision must include:

- a. the duration of any period of exclusion before which the student will be considered for admission, or resumption of their enrolment in a course, subject or assessment;
- b. any conditions imposed to be met by the student before any future application for admission or resumption of enrolment in a program or unit will be considered by NIDA.

4.6.4 The conditions that may be imposed for any readmission or return to study include:

- a. a fitness to study report or other suitable medical or professional evidence provided no less than 14 days and no more than 30 days prior to the return to study date; and/or
- 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; and/or
- c. evidence that specific activities have been, or are being, undertaken to support the student.

4.6.5 If a student breaches any imposed conditions, the Fitness to Study Committee Chair may, after giving the student an opportunity to make a submission:

- a. affirm the existing conditions; or
- b. impose alternative conditions; or
- c. withdraw the student from the subject or assessment; or
- d. exclude the student from the course for a specified period of time or permanently.

4.6.6 If a student's enrolment in a course or subject is cancelled, they are excluded from an assessment or if a student withdraws from a course or subject following a decision under this policy:

- a. the Director of Learning and Innovation will request from the CEO and CFO relieve the student of liability, which may include a refund of monies already paid, for any Higher Education Loan Program (HELP) debt (FEE-HELP or HECS-HELP) or their student contribution or tuition fees for the current study period; and
- b. the Director of Learning and Innovation will grant the student a WD grade (Withdrawn Without Academic Penalty) for the unit/s in the current study period.

4.7 Student Notification and Response

4.7.1 For a matter to be referred to a Fitness to Study Committee, the Director Learning and Innovation must notify a student in writing:

- (a) that the Director Learning and Innovation has been notified that concerns have been raised about the student's behaviour or action;
- (b) the details 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 time and date of the Fitness to Study Committee meeting, which must be no earlier than 10 working days from the advice to the student.
- (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 Director Learning and Innovation that the student will bring a named support person; and
- (g) of this policy

4.7.2 All student have a right to reply to the matters raised.

Students may:

- (a) respond to the concerns raised in the written notification in advance of the meeting in writing, or at the meeting, or both; and
- (b) bring a named support person who is not a legal representative or engaged in the legal profession to support them in the meeting.

4.8 Non-Compliance with a Fit to Study Procedure

Where a student refuses to engage with the designated staff member, does not attend a meeting, is unable to be contacted, or the concern persists, NIDA may deal with issues based on written reports and/or statements in the absence of the student. While this process is being undertaken the student may be suspended from enrolment in their course.

4.9 Return to Study

A student may only return to their course of study at the beginning of an academic study period.

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.

Such Return to Study evidence may include some or all of the following:

- a. A fitness for study report from a suitable medical or professional
- b. Evidence that student has undertaken specific activities, or that they are being, undertaken to support the student.
- c. Evidence that the student has and will engage with ongoing support provided either by an external agent or NIDA to manage their studies and interactions with the NIDA community
- d. Completion of a project at the level of re-entry that indicates inherent requirements of the course can be managed by the student.

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.

4.10 Complaints and Appeals

4.10.1 A student has the right to appeal a decision made by the Fit to Study Committee.

4.10.2 Any such appeal would need to be lodged by the student in writing and would be managed in accordance with NIDA's e Academic Complaints and Appeals Policy.

4.10.3 While the Appeal process is being undertaken the student may be suspended from enrolment in their course.

4.11 Record Keeping

4.11.1 The Director Learning and Innovation or their delegate are responsible for keeping a record of all investigations and decisions taken under this Policy and of the supporting documentation taken into consideration in reaching those decisions.

Where a student is assessed as unfit to study, these records will form part of the student's confidential student file and be subject to the [Privacy Policy](#). They may be made available:

- a. to persons within NIDA if, in the opinion of the Academic Registrar or their delegate, they have a legitimate need to know; and
- b. to persons outside NIDA in response to a court order, warrant or subpoena; and

4.11.2 All documentation and correspondence between NIDA and the student is retained and disposed of in accordance with NIDA's Records Retention and Disposal Authority.

5. DEFINITIONS

Term	Definition
Accredited Program	Accredited Program A program that is recognised under the Australian Quality Framework (AQF) and is registered with one of the two main regulatory agencies, being TEQSA (Tertiary Education Quality Standards Authority) for Higher Education and ASQA (Australian Skills Quality Authority) for Vocational programs. An accredited course is one that leads to the conferral of a degree or the award of a certificate or diploma.
Fit to Study	A student that is considered fit to study is one that: <ul style="list-style-type: none"> • are able to function independently and safely participate in the University's learning and research environments, and/or • have psychological or physical challenges which do not unduly disrupt or adversely impact the learning, research or work of others in the NIDA community.
Health Condition	A health condition includes: <ol style="list-style-type: none"> 1. an illness, condition, notifiable disease, or disability for which the student requires adjustments or facilities that in the circumstances of the case cannot reasonably be provided and without which: <ul style="list-style-type: none"> • the student or any other person may be physically endangered; or

- the student would not be able to demonstrate the capabilities, knowledge and skills to achieve the learning outcomes of a course or unit.

2. an illness, or physical or mental health condition, including any notifiable disease, that creates a reasonably apprehended risk that any of the following consequences may ensue on NIDA premises, online or during NIDA endorsed activities:

- physical injury to the student concerned or any other person;
- harassment of any member of, or visitor to, the NIDA;
- serious disruption to academic or other activities; or
- serious damage to property.

Inherent requirements The academic and other requirements, including respectful collaboration, 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 Course Learning Outcomes and Graduate attributes.

Medical Examination An examination by a registered medical practitioner

Medical Reports Any written reports on the student's health condition provided by a registered medical practitioner (doctor, including psychiatrist or other specialist) or any other health or allied health practitioner to whom the student has been referred by a registered medical practitioner

NIDA Student Charter A document that establishes the expectations for student conduct for the duration of their enrolment. It includes the NIDA Code of Conduct

Notifiable disease A health condition that requires government notification under any relevant state, territory or federal legislation

Reasonable Adjustment An adjustment is reasonable in relation to a student with a disability if it balances the interests of all parties affected.
Note: Judgements about what is reasonable for a particular student, or a group of students, with a particular disability may change over time.

In assessing whether a particular adjustment for a student is reasonable, regard should be had to all the relevant circumstances and interests, including the following:

- (a) the student's disability;
 - (b) the views of the student or the student's associate, given under section;
 - (c) the effect of the adjustment on the student, including the ability to achieve learning outcomes; and
 - (ii) ability to participate in courses or programs; and
 - (iii) independence;
 - (d) the effect of the proposed adjustment on anyone else affected, including the education provider, staff and other students;
 - (e) the costs and benefits of making the adjustment.
- (From Commonwealth Disability Standards for Education 2005)

Required leave a period of leave imposed on a student by NIDA because the student is found to be unfit for study through the Assessment of Fitness to Study Process.

Study Access Plan (SAP)	A structured plan of support and or reasonable adjustment developed with the student and their health care provider where there is a health or learning need requiring additional support for successful engagement.
Support Person	A friend, colleague, student representative, counsellor or any other person chosen by a person to support them, who is not a member of the legal profession.
Unfit for Study	A student that is considered unfit to Study is one that: <ul style="list-style-type: none"> • poses a substantial risk to their own health, safety, and wellbeing, or that of others, • adversely affects the teaching, learning or experience of other students, • Adversely affects the day to day running of NIDA, its staff or other students in the learning environment or workplace, • Adversely affects the running of a production, group project or pair work; or • requires support beyond the services which NIDA can reasonably be expected to provide either directly or indirectly.

6. CHANGE HISTORY

Date	Change Description	Reason for Change	Author	Version
May 2024	New policy	Review and assessment of policy framework needs	SSQA	01 Draft

7. CONSULTATION/BENCHMARKING

Benchmarked against policies and practice from a number of higher education providers and other sources.

Relevant policy documents from the following are gratefully acknowledged:

- Australian Catholic University
- Royal Conservatoire of Scotland
- Charles Sturt University
- Melbourne University

Consultation: NIDA academic and administrative staff and NIDA students

Legislation and Regulatory Frameworks	<p>Higher Education Standards Framework (Threshold Standards) 2021</p> <p>HE Support Act 2003</p> <p>Education Services for Overseas Students (ESOS) Act 2000 National Code 2018</p> <p>Privacy and Personal Information Protection Act 1998</p> <p>Standards for RTOs 2015</p> <p>ASQA General Directions</p>
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