Required Medical Leave Procedure

Version | Approved by | Approval date | Effective date | Next full review
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1.2 | Deputy Vice-Chancellor Academic | 25 July 2017 | 15 August 2017 | July 2017

Procedure Statement

Purpose
This procedure outlines how and why a student can be placed on Required Medical Leave (RML).

Scope
This procedure applies to:
- All enrolled students of UNSW on all campuses both domestic and international
- Higher degree research students including those awaiting examination of submitted theses
- Students on exchange from other universities

This procedure:
- does not operate to prevent the University from taking any action required by obligations to third parties.is in accordance with the Universities Australia Code of Ethical Practice for Overseas Students 2005, the Education Services for Overseas Students Act 2000 (as amended) and the National Code of Practice for Providers of Education and Training to Overseas Students 2017 (the National Code).
- does not override or affect the operation of applicable privacy laws and the University’s Privacy Management Plan.

Are Local Documents on this subject permitted? ☐ Yes, however Local Documents must not breach mandatory requirements in University-wide Codes of Conduct, Policies, Standards and Procedures. ☐ No

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1. Introduction

RML is a form of required program leave with the purpose of providing a compassionate and appropriate way of handling cases where, as a result of serious mental health or other health issues, a student's behaviour:

- poses a substantial threat to his/her own safety or well-being and/or that of others;
- causes or threatens damage to university resources;
- causes or threatens significant disruption to educational or other university activities; or
- causes or threatens substantial impairment of the student's academic performance or the student's ability to care for self.

RML is a measure of last resort, expected to be applied only after all other relevant supportive strategies have been considered.

The purpose of RML is primarily supportive, and the intent is, where possible, to avoid actions leading to penalties for students with serious health issues underlying their behaviour. However, this procedure does not exclude the possibility that conduct leading to RML may also be subject, at the same time or later, to action under other applicable University procedures. The Director, Student Life (or nominee) may suspend any such processes for the duration of any period of RML.

The RML process described in this procedure is depicted in Appendix 1, Required Medical Leave Procedure flowchart and Appendix 2 Indicative Timelines.

2. Referral to Director, Student Life

Any staff member who is concerned about the behaviour of a student which may fall within the criteria for application of RML may refer those concerns to the Director, Student Life (or nominee), either directly or through an appropriate senior staff member such as a Dean or Head of School or, in the case of research postgraduate students, the Director, Graduate Research School (GRS).

The Director, Student Life (or nominee), on receiving such a referral, shall take such steps as he/she considers necessary to carry out an initial investigation of the concerns raised. If the student concerned is a higher degree research student, the Director Student Life (or nominee) will liaise with the Dean of Graduate Research. If, after investigating, the Director, Student Life (or nominee) is satisfied that no further action is required, he/she shall advise the referring staff member accordingly.

In all other cases the Director, Student Life (or nominee) shall convene a SARG to oversee the provision of support to the student.

3. Referral from SARG

When a Student at Risk Group (SARG) considers that supportive strategies are not, or are no longer, appropriate it shall, if possible offer the student Voluntary Program Leave, and inform the Program Authority of this action.

When offering Voluntary Program Leave, the SARG shall indicate to the student the nature of the procedure that will be followed if the offer is declined.

If the student refuses Voluntary Program Leave, the SARG shall provide a report to the Pro-Vice-Chancellor (Education) to be referred for consideration by an RMLG, with any supporting documentation the SARG considers relevant.

The SARG may in addition refer the case to the DVCA for consideration of restriction or suspension under Section 10 of the Student Misconduct Procedure if it considers such action advisable.

4. Required Medical Leave Group (RMLG)

On receipt of a recommendation from a SARG, the PVCE may determine to instruct the Director, Student Life (or nominee), to convene an RMLG. The Director, Student Life (or nominee) will give notice to the student concerned of any such determination.
In giving notice to a student of the convening of an RMLG, the Director, Student Life (or nominee) shall advise the student that:

- RML is intended to provide a supportive alternative to measures that may have more unfavourable results for the student;
- RML can only be imposed on the basis of adequate medical evidence;
- if adequate medical evidence is not available, the PVCE may have no alternative but to invoke other procedures that may have more unfavourable results for the student.

The RMLG shall consist of:

- Director, Student Life (or nominee) as convenor;
- Director, University Health Service or nominee;
- Two Associate Deans or their nominees, one of whom is from the student's faculty, or from both faculties if the student is enrolled in a dual degree;
- If the student is a research student, the Director, GRS or nominee.

The RMLG may co-opt additional members or appoint advisors as it considers appropriate to provide additional expertise.

The RMLG will:

- Convene on an 'as needed' basis;
- Review any documents presented to it;
- Identify any further information or consultation required, tasks to be performed, and allocation of responsibility;
- Consider formal medical documentation in relation to the student's fitness to study;
- Consider how the university can best balance the protection of the interests of the student and those of the wider university community; and
- Prepare a report for the PVCE, including recommendations about the determination to be made by the PVCE.

If the student is an international student, the RMLG will liaise with the Manager, Student Development International (SDI), to ensure that the implications of visa requirements are taken into account in its report. If the student is a resident of University accommodation, the RMLG will liaise with the appropriate accommodation manager in relation to any recommendation or special conditions relating to the student’s residency.

5. Determination by PVCE

On receipt of a recommendation from an RMLG in relation to a student, the PVCE shall make a determination that the student is to:

- Remain enrolled without special conditions; or
- Remain enrolled with special conditions; or
- Be placed on RML.

If the PVCE determines that a student is to remain enrolled with special conditions, those conditions shall be stated in the determination.

If the PVCE determines that a student is to be placed on RML, the determination shall state the period of time which must expire before the student is eligible to return from RML and may also stipulate conditions which must be fulfilled before the student is eligible to return from RML. The total period of RML imposed will not typically exceed two standard semesters. Where the period of RML imposed approaches or is likely to exceed two semesters, the PVCE will review the case. An extension of RML beyond two semesters will only be permitted in exceptional circumstances at the discretion of the PVCE.
The PVCE will send notification of the determination to the student’s email address as soon as practicable, and also to:

- the Director, Student Life (or nominee)
- for higher degree research students, the Director, GRS and the Manager, Student Administration
- if relevant, the Director, UNSW Residential Communities or manager of UNSW affiliated accommodation.

Any decision that the student be placed on RML will take effect immediately unless otherwise specified, however in the case of an international student, as required by Standard 13.4 of the National Code, RML will not take effect until the appeal process is completed unless extenuating circumstances relating to the student’s welfare apply.

### 5.1. Restriction of available student services while on RML

Students on RML will be subject to the same restrictions that apply to students on another form of program leave, unless the PVCE determines otherwise. For example, the PVCE may determine that the student is permitted access during the period of RML to services normally restricted to enrolled students, if the PVCE considers it appropriate to do so as a support measure for the student.

### 5.2. Restriction of access to university accommodation

Any continued residence in university accommodation during RML continues to be subject to the terms of the agreement normally covering that residence, including terms relating to termination of agreement and to enrolment status. The PVCE may at his/her discretion recommend that accommodation be reserved for the possible return of a student to university from RML.

### 6. Return to university following RML

Unless permitted by the PVCE, a student on RML shall not be re-enrolled until the period of RML has expired and the conditions for return have been satisfied. Prior to expiry of RML, the office of the Director, Student Life will send a reminder notification to the student’s email address.

A student who wishes to re-enrol after RML must make application to do so before the end of the period of RML determined by the PVCE and may apply to be re-enrolled earlier than the end of that period. The application must be lodged with the Director, Student Life (or nominee) in writing and must include a medical certificate that the student’s condition is stable and the student is fit to return to study. The Director, Student Life (or nominee) shall consider the medical information provided, the report of the RMLG which was the basis for placing the student on RML, any conditions stipulated in the original determination to apply RML, and whatever other information the Director, Student Life (or nominee) considers relevant and shall determine either:

- that the student be permitted to re-enrol (this may be with conditions); or
- that the student not be permitted to re-enrol.

Students resuming studies after a period of RML are required to comply with relevant re-enrolment procedures.

If a student permitted to re-enrol after RML was previously resident in university accommodation, the Director, Student Life (or nominee) shall liaise with the relevant accommodation manager about appropriate arrangements and shall advise the student accordingly.

### 7. Extension of RML

If an application for re-enrolment after RML is received after the end of RML, RML will have been automatically extended by 20 working days.

If the Director, Student Life (or nominee) considers that conditions for return following RML have not been satisfied he/she may extend the period of RML. Extension of RML is inherently temporary in nature and may be up to a maximum of two semesters. In situations where the original period of RML plus the extension exceed two semesters, the Director, Student Life (or nominee) will periodically review the case.
8. Administration

8.1. Organisational unit responsible

RML will be administered by the Office of the Director, Student Life. In cases where the student is a postgraduate research student, the Director, Student Life (or nominee), shall liaise with the Director, GRS.

8.2. International students

If an international student takes Voluntary Program Leave or is placed on RML, the Director, Student Life (or nominee) will notify the Manager, SDI. The Manager, SDI will contact the student to provide advice regarding implications for his/her visa, and will notify the Secretary via PRISMS in accordance with 13.3 of the National Code. In addition, if the student is an AusAID scholarship recipient or sponsored student, the Manager, SDI will inform AusAID or the sponsor and will provide advice to the student about implications for his/her scholarship or sponsorship.

8.3. Domestic scholarship recipients

If a domestic scholarship recipient takes Voluntary Program Leave or is placed on RML, the Director, Student Life (or nominee) will notify the Manager, Scholarships. The Manager, Scholarships will contact the student to provide advice about the scholarship implications.

8.4. Recordkeeping

Notes and documentation must be kept at all stages of the RMLG procedure including records of meetings, discussions, appeal hearings and actions proposed or taken, and stored on an appropriate confidential university file. The file must be created and stored in line with university policy.

All actions under this procedure are subject to normal statutory and UNSW policy obligations relating to recordkeeping.

8.5. Discontinuation without failure

If RML is imposed after the deadline date for discontinuation without penalty (academic and financial) and there is no action pending under the Student Misconduct Procedure, the student will be permitted to discontinue courses without failure and without financial penalty. The student’s record on the student information management system will show the symbol NF (course discontinued without failure).

RML does not relieve the student of other financial obligations incurred prior to RML being imposed, such as library fines or accommodation fees (subject to the provisions of the UNSW Residential Licence or other affiliated accommodation agreement).

8.6. Academic transcript

Academic transcripts will not distinguish between RML and Voluntary Program Leave.

Discontinued courses (‘NF’ grade) will not be recorded on myUNSW or the student’s official academic transcript.

9. Appeals

A student may lodge an appeal with the DVCA against a decision taken by the PVCE or Director, Student Life (or nominee) under this procedure:

- to impose RML (with any associated conditions)
- to extend the period of RML (with any associated conditions)
- to decline an application for early return from RML

An appeal may be lodged on the grounds of lack of procedural fairness or receipt of new medical information. The appeal would be lodged within 20 working days of notification of the decision of the Director, Student Life (or nominee). The appeal is to be made in writing (email accepted) and must state the grounds for appeal.

On receipt of an appeal the DVCA may determine that the appeal should not proceed on the grounds that it is without substance or is not made on one of the permitted grounds.
In making this determination the DVCA may, but is not required to, review the records of the relevant RMLG and decision-making and obtain further information from the appellant.

A determination by the DVCA that the appeal should not proceed shall be notified to the appellant and shall be final.

If the DVCA determines that the appeal should proceed, the DVCA may, in writing, delegate to an individual or a committee some or all of his/her powers to deal with the appeal. No nominee shall have the power to re-delegate.

The DVCA or nominee will review the grounds submitted for the appeal and the records of the relevant RMLG and may consult as necessary, including seeking whatever advice on medical issues the DVCA or nominee considers appropriate.

Following this review, the DVCA or nominee may uphold, vary, or reverse the decision of the PVCE or Director, Student Life (or nominee) which is the subject of the appeal, and the appellant shall be notified of the result.

The following is an indicative timeline for an appeal. The process may take more or less time in individual cases.

- Acknowledgment, including determination of whether to proceed, 5 working days after receipt of appeal;
- Determination of appeal 20 working days after receipt;
- Outcome (including reasons) notified to appellant 5 working days after determination.
- The appellant will be advised of the occurrence and expected length of any delays.

10. Confidentiality

Subject to this paragraph, all parties involved in a case, including any appeals, are to maintain confidentiality. Information and records about an RML matter are not to be divulged to anybody without direct involvement in the case with the following exceptions:

- Where breach of confidentiality is justified by serious and imminent threat of harm to a person or persons;
- Where there is a legal obligation that overrides this confidentiality provision.

### Accountabilities

<table>
<thead>
<tr>
<th>Responsible Officer</th>
<th>Deputy Vice-Chancellor Academic</th>
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<tr>
<td>Contact Officer</td>
<td>Director, Student Life</td>
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### Supporting Information

<table>
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<tr>
<th>Legislative Compliance</th>
<th>This Procedure supports the University’s compliance with the following legislation:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><em>Education Services for Overseas Students Act 2000 (Cth)</em></td>
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<tr>
<td></td>
<td><em>National Code of Practice for Providers of Education and Training to Overseas Students 2017</em></td>
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<tr>
<th>Parent Document (Policy)</th>
<th>Student Code of Conduct</th>
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| Supporting Documents     | Nil                      |

<table>
<thead>
<tr>
<th>Related Documents</th>
<th>Student at Risk Procedure</th>
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<tbody>
<tr>
<td></td>
<td>Student Critical Incident Procedure</td>
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<td></td>
<td>Student Complaint Procedure</td>
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<td>Student Misconduct Procedure</td>
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<td>Health and Safety Policy</td>
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<td>Superseded Documents</td>
<td>Required Medical Leave Procedure, v1.1</td>
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<td>File Number</td>
<td>2014/17815</td>
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### Definitions and Acronyms

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Definition</th>
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<tbody>
<tr>
<td>AD</td>
<td>Associate Dean – An Associate Dean whose portfolio is relevant, or another relevant senior member of faculty staff such as a Senior Associate Dean or Deputy Dean</td>
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<tr>
<td>DVCA</td>
<td>Deputy Vice-Chancellor Academic</td>
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<td>PRISMS</td>
<td>Provider Registration and International Students Management System (Commonwealth Department of Education and Training)</td>
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<tr>
<td>RML</td>
<td>A period of required program leave applied by the University in accordance with this procedure with the intention, where possible, of resuming studies at a later date.</td>
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<tr>
<td>RMLG</td>
<td>Required Medical Leave Group – a committee convened by the Director, Student Life (or nominee) to consider whether RML is appropriate for a case referred by a SARG.</td>
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<tr>
<td>SARG</td>
<td>Student At Risk Group – a case-specific committee convened by the Director, Student Life and Learning to oversee provision of support to a student at risk.</td>
</tr>
<tr>
<td>Secretary</td>
<td>Department of Education and Training (Commonwealth)</td>
</tr>
<tr>
<td>Voluntary Program Leave</td>
<td>A period of formally approved discontinuation of enrolment sought by an enrolled student, with the intention of resuming studies at a later date.</td>
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### Revision History

<table>
<thead>
<tr>
<th>Version</th>
<th>Approved by</th>
<th>Approval date</th>
<th>Effective date</th>
<th>Sections modified</th>
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<tr>
<td>1.0</td>
<td>Vice-President and Deputy Vice-Chancellor (Academic)</td>
<td>3 July 2014</td>
<td>3 July 2014</td>
<td>This is a new Procedure</td>
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<tr>
<td>1.1</td>
<td>Administrative update by Head of Governance</td>
<td>18 February 2016</td>
<td>29 February 2016</td>
<td>Administrative update to senior team roles.</td>
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<tr>
<td>1.2</td>
<td>Deputy Vice-Chancellor Academic</td>
<td>25 July 2017</td>
<td>15 August 2017</td>
<td>Administrative update to senior position titles</td>
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REQUIRED MEDICAL LEAVE PROCEDURE

Referral to SARG

VPL offered

VPL accepted

No intervention

VPL declined - SARG report to DVCE

PVCE may determine that the student
a) remains enrolled without special conditions; or
b) remains enrolled with special conditions; or
c) is placed on RML

Conditions satisfied – Return to University

Student may apply for early return from RML

If refused student may appeal in writing to DVCA

Conditions not satisfied – RML extended

Student may appeal to DVCA in writing

DVCA
- may instruct Director, Student Life (or nominee) to convene RMLG
- may consider restriction or suspension under S10 of Student Misconduct Procedure or invoke other procedures as appropriate.

DVCA determines
- appeal to proceed; or
- appeal is not to proceed on grounds that it is frivolous or vexatious or not on permitted grounds

DVCA may uphold, vary, or reverse decision of PVCE/Dir Student Life (or Nominee)

Appellant notified of outcome

Grounds for appeal:
- Lack of procedural fairness
- New medical information

Student may appeal (a) or (c) to DVCA in writing

VPL offered

RMLG convened – report to PVCE

VPL accepted

No intervention

Conditions satisfied – Return to University

Student may apply for early return from RML

If refused student may appeal in writing to DVCA

Grounds for appeal:
- Lack of procedural fairness
- New medical information
## REQUIRED MEDICAL LEAVE - INDICATIVE TIMELINES

| RML imposed                  | PVCE notifies student by email of determination of RML as soon as practicable (s5)  
|                              | RML begins immediately unless otherwise specified (s5)  
|                              | If imposed after deadline to withdraw without penalty, student is permitted to withdraw without failure and without financial penalty (s8.6) |
| Duration of RML             | As advised by PVCE (s5) |
| Return to university        | Prior to expiry of RML, Office of the Director, Student Life will send a reminder notification to the student’s email address (s6)  
|                              | Prior to expiry of RML student applies in writing and with medical certificate to Director, Student Life to return to university. May apply to return earlier than end of RML (s6) |
| Extension of RML            | If application received after end of RML, RML is automatically extended by 20 working days received (s7) |
| RML appeal                  | Appeal to be lodged in writing to DVCA within 20 working days of notification of decision of PVCE or Director, SLL (s9) |
| Acknowledgement of appeal including determination of whether to proceed | 5 working days after receipt of appeal (s9) |
| Determination of appeal     | 20 working days after receipt of appeal (s9) |
| Outcome of appeal (including reasons) | 5 working days after determination (s9) |