

Exclusion for Safety Reasons Regulations 2014

Part 1 - Preliminary

1. Objective

The objective of these Regulations is to make provision for refusal to enrol a student and suspension or exclusion of a student under section 41 of the [Governance, Academic and Student Affairs Statute 2013](#).

2. Authorising provision

These Regulations are made under the [Governance, Academic and Student Affairs Statute 2013](#) and sections 28, 29 and 30 of the [Victoria University Act 2010](#).

3. Definitions

In these Regulations-

- a. "applicant" means a person who has applied to enrol as a student.
- b. "decision-maker" means a member of staff, other than a Deputy Vice-Chancellor, nominated by the Vice-Chancellor to decide whether or not to make an exclusion decision.
- c. "conditional exclusion decision" means an exclusion decision in respect of which the University has imposed a condition under regulation 8(2);
- d. "exclusion decision" means a decision under section 41 of the Statute to refuse to enrol a person as a student or to suspend or exclude a student;
- e. "high risk person" means a person described in paragraph (a) or (b) of section 41 of the Statute;
- f. "SAT Team" means the Safety and Triage Team established under regulation 4.
- g. "Statute" means the [Governance, Academic and Student Affairs Statute 2013](#).

4. Establishment of the SAT Team

(1) The University must establish a Safety and Triage Team.

(2) The functions of the SAT Team are-

- a. to assess whether a student is a high risk person; and
- b. to make recommendations to the university.

(3) The SAT Team is to be nominated by the Vice-Chancellor and is to comprise five members of staff of the University, as follows-

- a. one member from the student counselling service;
- b. one member from legal services;
- c. one member from security;
- d. the Manager responsible for student support and wellbeing;

e. one other member.

(4) The chair of the SAT Team will be the Manager responsible for student support and wellbeing.

(5) In performing its functions, the SAT Team may make any enquiries and consult any person it considers necessary.

Part 2- Decision to Refuse, Exclude or Suspend

5. Consultation with the SAT Team

The decision-maker must consult with the SAT Team before he or she makes an exclusion decision.

6. Exclusion decision

After consulting with the SAT Team, the decision-maker may make an exclusion decision if it appears to him or her that the applicant or a student may be a high risk person.

7. Effect of exclusion decision

(1) A person who is subject to an exclusion decision to suspend remains a student of the university, but is prohibited from attending any teaching or assessment session.

(2) A person who is subject to an exclusion decision to exclude remains a student of the university, but is prohibited from entering any university precincts or premises.

(3) A person who is subject to an exclusion decision to refuse to enrol ceases to be a student of the university and is permanently debarred from enrolling or re-enrolling in any unit or course or study of the university, unless the university at any time determines otherwise.

(4) Without otherwise affecting the operation of this regulation, a person who is subject to an exclusion decision remains a student of the university until:

- a. the expiration of the time allowed by regulation 10(2) for the lodging of a notice of appeal; or
- b. where a notice of appeal is lodged, until the appeal process is concluded.

8. Conditional exclusion decision

(1) If it appears to the University that an applicant or a student may be a high risk person, it may make an exclusion decision which is suspended in its operation.

(2) If a decision is made under this regulation, the University may impose a condition that the appellant complies, to the satisfaction of the University, with specified requirements.

9. Notice of refusal, suspension or exclusion

(1) If the University makes an exclusion decision, it must give written notice of the action taken to the person excluded.

(2) The notice must be given not later than seven days after the action is taken.

(3) The notice must set out-

- a. the person's right of appeal under these Regulations;
- b. subject to sub-regulation (5), a statement of grounds for the exclusion decision.

(4) The notice must be served on the person personally or by post or electronic means to his or her last known postal

address or email address.

- (5) The University may omit from the notice the statement of grounds for the decision if-
- a. it serves a statement of grounds for the decision on-
 - i. an immediate family member within the meaning of the [Health Records Act 2001](#); or
 - ii. a registered medical practitioner who is advising or treating the person; and
 - b. it is authorised to do so by Health Privacy Principle 2 of the [Health Records Act 2001](#).

Part 3 - Appeal Rights

10. Appeal from an exclusion decision

- (1) A person who is the subject of an exclusion decision may appeal from the decision by lodging a Notice of Appeal in accordance with the Procedures to these Regulations, giving a notice of appeal to the University.
- (2) A notice of appeal must be given within 3 weeks after the person is given the notice of decision.

11. Appeal Committee

- (1) The University must establish an Appeal Committee for the purposes of considering an appeal.
- (2) An Appeal Committee must comprise-
- a. a Deputy Vice-Chancellor or a member of staff nominated by him or her;
 - b. a member of staff nominated by the Manager responsible for student administration;
 - c. a member of the academic staff nominated by the Dean of the College in which the student is enrolled.
- (3) An Appeal Committee may also include an additional member co-opted by the Appeal Committee.
- (4) The Deputy Vice Chancellor or a member of staff nominated by him or her appointed under clause 11(2)(a) is the Chair of the Committee.
- (5) An Appeal Committee must not include a member who has been involved with the appellant in relation to any matter covered by this Regulation.

12. Procedure for considering an appeal

- (1) An Appeal Committee considering an appeal under these Regulations-
- a. must provide opportunity to the decision-maker and the appellant to submit written evidence for consideration by the Committee;
 - b. may require the decision-maker or the appellant or both to attend before it.
- (2) If the decision-maker or the appellant appears before the Committee, he or she may be accompanied and assisted, but not represented, by a staff member or student or other person approved by the Committee.

13. Powers and duties of Appeals Committee

- (1) An Appeal Committee considering an appeal under these Regulations may-
- a. make such enquiries and consult such persons as it thinks fit;
 - b. require persons with special knowledge of the state of health or disability of the appellant to report to or consult

with the Committee;

- c. require the appellant to undergo medical examination or psychological assessment by persons specified by the Committee.

(2) An examination or assessment under sub-regulation (1) is at the expense of the University.

14. Determination of the appeal

(1) After considering the appeal, an Appeal Committee may-

- a. allow the appeal;
- b. allow the appeal on condition that the appellant complies, to the satisfaction of the University, with specified requirements;
- c. confirm or vary the decision;
- d. refuse enrolment or suspend or exclude the student.

(2) A decision of an Appeal Committee is final.

Part 4 - Ongoing Management

15. Compliance with conditions

(1) In this regulation condition requiring ongoing management means a condition imposed-

- a. by the decision-maker under regulation 7; or
- b. by an Appeal Committee under regulation 14(1)(b).

(2) If a condition requiring ongoing management applies to a student, the University may-

- a. require the person to report to a person nominated by the Vice Chancellor at specified intervals on his or her compliance with the conditions;
- b. if professional assistance is a condition, require a report to be made to the University at specified intervals from the professional.

(3) If it appears to the decision-maker that a condition requiring ongoing management has not been complied with, the decision-maker may-

- a. allow enrolment to continue subject to amended conditions; or
- b. make an exclusion decision.

(4) If the decision-maker makes an exclusion decision under this Regulation-

- a. he or she must give written notice of the action taken in accordance with regulation 9(1);
- b. the right of appeal under regulation 10(1) applies to the decision.

Status and Details

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Effective Date	10th September 2014
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Accountable Officer	Adam Shoemaker Vice-Chancellor +61 3 9919 4011
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