

Exclusion for Safety Reasons Procedure

Section 1 - Purpose / Objectives

NOTE: This Procedure is currently under review. Please refer to the [Exclusion for Safety Reasons Regulations 2019](#) for current Procedures.

- (1) Threatening, harassing or inappropriate behaviour undermines Victoria University's capacity to provide a safe study environment for students and a safe working environment for staff. Threatening or inappropriate behaviour requires a considered response that addresses the safety of the whole University community.
- (2) In some circumstances, a person whose behaviour is considered to pose a health or safety risk to University staff or students may be refused enrolment or re-enrolment, or be suspended or excluded, pursuant to the [Governance, Academic and Student Affairs Statute 2013](#) and the [Exclusion for Safety Reasons Regulations 2019](#) (the Regulations).
- (3) This procedure outlines the process for staff to follow when making decisions, considering appeals and monitoring compliance with conditions, pursuant to the Regulations. It also outlines the steps for students to take when appealing an exclusion decision.

Important Notes

- (4) In emergency situations (e.g. assault, violence or threats of violence) staff should call Victoria Police on 000 and the Security emergency number (9919 6666).
- (5) The Student Critical Incident Protocol provides guidelines for how to address critical or emergency situations, such as threats of harm or self-harm.
- (6) The presence of dangerous weapons on University campuses poses a significant risk to the health and safety of members of its community. Under no circumstances is any firearm, or any weapon which is a controlled weapon or prohibited weapon pursuant to the [Control of Weapons Act 1990 \(Vic\)](#) and the [Control of Weapons Regulations 2011](#) to be brought onto campus by any student or member of staff or the general public, without lawful excuse. Police will be contacted immediately in relation to any incident involving possession of a firearm or of a controlled or prohibited weapon, and the incident will be treated as a critical incident.

Section 2 - Scope / Application

- (7) This procedure applies across the University to all matters that may trigger the exclusion of a student or applicant on health and safety grounds.
- (8) This procedure does not cover:
 - a. General behavioural and conduct breaches which do not constitute a threat to health and safety. These are addressed under the Student Complaints Resolution Policy and procedures, and Student Misconduct Interim Regulations, respectively; or

- b. Other grounds for exclusion, which are addressed under the Student Misconduct Regulation and procedures and the academic progress framework of the University.

Section 3 - Definitions

(9) Nil

Section 4 - Policy Statement

(10) Nil

Section 5 - Procedures

(11) The SAT Team is nominated by the Vice-Chancellor pursuant to Regulation 3 of the Exclusion for Safety Reasons Regulations 2013, and comprises:

| Category | Nominated Member of Staff |
|---|---|
| One member from the student counselling service | Manager, Student Counselling OR Senior Counsellor |
| One member from Legal Services | Director, Portfolio of the Vice Chancellor OR Senior Lawyer |
| One member from Security | Manager, Security OR Crime Prevention Officer |
| The Manager responsible for student support and wellbeing (Chair) | Director, Student Wellbeing |
| One other member | Manager, Health & Safety OR Senior Advisor, Health and Safety Risk Management |

(12) Serious concerns that an applicant or a student is a high-risk person (in accordance with clause 41 of the [Governance, Academic and Student Affairs Statute 2013](#)) should be escalated to the Director, Student Wellbeing.

(13) If the Director, Student Wellbeing considers that a student or applicant is a high-risk person, he or she will convene a meeting of the SAT Team, at the earliest possible opportunity.

(14) The SAT Team will then meet. The SAT may inform itself as it sees appropriate, in accordance with Regulation 4(5) of the Regulations. For example, the SAT Team may require a student or applicant to undergo a medical examination by a practitioner of the university's choosing, and seeks a report from that practitioner.

(15) The SAT Team will communicate and consult with the Pro Vice-Chancellor, Students.

(16) Following consultation with the SAT Team, the Pro Vice-Chancellor, Students may make an exclusion decision, in accordance with Regulation 6 of the Regulations.

(17) An exclusion decision may be:

- a. suspension, whereby a student assessed as a high-risk person is prohibited from attending any teaching or assessment sessions of the university; or
- b. exclusion, whereby a student assessed as a high-risk person is prohibited from entering any precincts or premises of the university; or
- c. refusal to enrol, whereby the high-risk person is prevented from enrolling (if an applicant) or re-enrolling (if a student), for an indefinite period until the university determines otherwise.

- (18) An exclusion decision may be indefinite, for a specified period, or subject to specified conditions.
- (19) If the Pro Vice-Chancellor, Students makes an exclusion decision, the person excluded will be informed of the exclusion decision as soon as possible.
- (20) A formal Notice of Decision will be issued to the person subject to the decision as soon as possible, pursuant to regulation 9(4), but no later than seven (7) days after the decision is made, setting out the matters listed in Regulation 9 of the Regulations.
- (21) When the Notice of Decision is sent to the person subject to the decision, the following information will also be provided:
- a. a copy of the [Governance, Academic and Student Affairs Statute 2013](#);
 - b. a copy of the [Exclusion for Safety Reasons Regulations 2019](#);
 - c. a copy of these Procedures; and
 - d. Notice of Appeal form.
- (22) If the Pro Vice-Chancellor, Students makes an exclusion decision, he or she will arrange for this to be communicated to the relevant operational areas of the university immediately.
- (23) A person subject to an exclusion decision may appeal within three (3) weeks of being given the notice of decision by lodging a Notice of Appeal with the Manager, Governance and Secretariat (via email to gov.sec@vu.edu.au).
- (24) The Appeal process must commence within 10 days of the receipt of the Notice of Appeal.
- (25) The Manager, Governance and Secretariat will convene an Appeal Committee, in accordance with Regulation 11 of the Regulations.
- (26) The Appeal Committee will provide the appellant the opportunity to submit written evidence for consideration by the Committee and may also require the appellant to attend the meeting in person, in accordance with Regulation 12 of the Regulations.
- (27) The Appeal Committee will exercise its powers and duties pursuant to Regulation 13 of the Regulations and make a determination pursuant to Regulation 14 of the Regulations.
- (28) The Appeal Committee will notify the decision to the relevant operational areas of the university as soon as possible but no later than seven days after the determination is made.
- (29) A conditional exclusion may be imposed either by the Pro Vice-Chancellor, Students under Regulation 8(2) of the Regulations, or by an Appeal Committee under Regulation 14(1)(b) of the Regulations. A conditional exclusion is an exclusion which is suspended in its operation, but which is subject to compliance with specified requirements.
- (30) For example, a conditional exclusion might be imposed which allows a person to continue to attend campus if he or she consults regularly with a nominated health professional, or if a treating medical practitioner provides regular reports to the University.
- (31) If the condition is breached, the decision-maker may allow enrolment to continue, subject to amended conditions, or may exclude the student (see Regulation 15(3)(b) of the Regulations).
- (32) When a conditional exclusion is imposed, the person subject to the decision may be required to report to the Manager, Counselling Services or other nominated person at specified intervals.

Section 6 - Guidelines

(33) Nil

Status and Details

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