Exclusion for Safety Reasons Procedure

Section 1 - Summary

(1) This Procedure outlines the process for staff to follow when making decisions concerning the exclusion of a student or applicant on health and safety grounds.

Section 2 - Scope

(2) This Procedure applies to all Students and Applicants of the University, in onshore locations. Arrangements concerning the exclusion of a student or applicant on health and safety grounds for Offshore locations are the responsibility of the Partner Institution.

(3) This Procedure does not cover:

a. General behavioural and conduct breaches which can be addressed under the Complaints Policy and Complaints Procedure (Student and Public), and Student Misconduct Regulations 2019 and Student Misconduct Procedure, respectively; or
b. Other grounds for exclusion, which are addressed under the Student Misconduct Regulations 2019 and procedures and the academic progress framework of the University.

(4) This Procedure does not preclude action in response to criminal activity or serious violations of Victoria University rules, policies or procedures; or the University's obligations under the Safety and Welfare of Children and Young People Policy and Safety and Welfare of Children and Young People Procedure.

Section 3 - Policy/Regulation

(5) Exclusion for Safety Reasons Regulations 2019

Section 4 - Procedures

Part A - Summary of Roles and Responsibilities

Roles	Responsibilities
Vice-Chancellor	Appointment of the Safety and Triage Team (SAT)
Chief Student Officer	Chair of the SAT Team
Deputy Vice-Chancellor Enterprise and Digital	Decision maker under the Regulations
Senior Coordinator, Safer Communities	Act as the Senior Officer as defined in the Regulations
Student Complaints and Integrity Manager	Deputy Chair of the SAT Team

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Part B - Procedures

(6) Victoria University is committed to providing a healthy, safe and supportive study and working environment that aims to maintain and improve good working, teaching and learning relationships.

(7) 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.

(8) In some circumstances, a person whose behaviour is considered to pose a health or safety risk to University staff, students or themselves, or disrupts the provision of University facilities, services or activities (pursuant to Clause 41 of the Governance, Academic and Student Affairs Statute 2013) may be refused enrolment or re-enrolment, or be suspended or excluded in accordance with the Regulations.

Reporting and Initial Action

(9) If an authorised officer becomes aware of information or witnesses an incident which would lead a reasonable person to consider that an applicant or student may be a high risk person, they should report the incident and reasons for concern to the Senior Coordinator, Safer Communities.

(10) If the Senior Coordinator, Safer Communities considers that a student or applicant is a high risk person (in accordance with clause 41 of the Governance, Academic and Student Affairs Statute 2013), and not able to be managed via other processes they can refer the matter to the Chair of the Safety and Triage Team (SAT) to convene a meeting of the SAT Team as soon as possible.

(11) In the interim and before a decision is made under this Procedure if the Senior Coordinator, Safer Communities receives reliable information that indicates that the applicant or student is likely to be considered a high risk person, they may consult with the Chair who may temporarily withdraw permission for the applicant or student to participate in a University activity, and/or use or enter all or particular University premises or facilities until a decision is made under this Procedure. The applicant or student must be notified:

a. of the reasoning for the temporary withdrawal of permission
b. that the temporary withdrawal of permission does not constitute a decision made under this Procedure
c. of an expected timeframe of the decision made under this Procedure.

Investigation

(12) The Vice-Chancellor has nominated the following members of staff (or their proxy) as members of the SAT:

a. Chief Student Officer or nominee (Chair);
b. Student Complaints and Integrity Manager (Deputy Chair);
c. Director, Student Equity, Safety and Wellbeing Services or nominee;
d. One member from the Office of the General Counsel;
e. One member from Security; and,
f. One member from Occupational Health and Safety

(13) The quorum for the SAT team is 4 members, not including the Chair.

(14) The SAT will meet to consider the matter within 14 University business days of the referral to the Chair of the SAT, and in so doing, may:

a. make such enquiries and consult such persons as it thinks fit, including the student or applicant;

b. request persons with special knowledge of the state of health or disability of the student or applicant to report to or consult with the SAT Team;
c. require the student or applicant to undergo medical examination or psychological assessment by persons specified by the SAT Team.

(15) Following the conclusion of the SAT Team's deliberations, the Chair of the SAT will communicate the SAT Team's recommendations to the Deputy Vice-Chancellor Enterprise and Digital.

(16) After considering the SAT Team's recommendations, and seeking any further information, the Deputy Vice-Chancellor Enterprise and Digital may make a decision to:

a. Suspend;
b. Exclude;
c. Refuse to enrol; or,
d. Impose any other reasonable restrictions.

Notification of a Decision

(17) The Deputy Vice-Chancellor Enterprise and Digital will issue a formal Notice of Decision to the person subject to the decision within 5 University business days of the decision being made.

(18) When the Notice of Decision is sent to the person subject to the decision, the following information will also be provided:

a. The person's right to appeal under the Student Appeals Regulations 2019
b. A statement of reasons for the decision, if it does not fall into the grounds for omission as outlined in regulation 10 (4) of the Regulations.

Conditional Enrolment

(19) If it appears to the Deputy Vice-Chancellor Enterprise and Digital that an applicant or student may be a high risk person but there is insufficient evidence to warrant a decision to refuse to enrol, or the Deputy Vice-Chancellor Enterprise and Digital considers that the risks presented by the person may be managed, the Deputy Vice-Chancellor Enterprise and Digital may make a conditional enrolment decision. An example of a conditional enrolment decision within the meaning of the Regulation is a decision to allow a person to continue to attend campus if they consult regularly with a nominated health professional, or if a treating medical practitioner provides regular reports to the University.

(20) If the conditional enrolment decision is breached, the Deputy Vice-Chancellor Enterprise and Digital may allow the conditional enrolment to continue, subject to amended conditions, or may revoke the conditional enrolment decision and exclude the student (see Regulation 8 of the Regulations).

(21) When a conditional enrolment decision is imposed, the person subject to the decision may be required to report to an Officer of the University or other nominated person at specified intervals, as detailed in the conditional enrolment decision.

Appeal Rights

(22) A student or applicant subject to a decision made under these procedures may appeal the decision by lodging a Notice of Appeal provided they meet the prescribed grounds outlined in the Student Appeals Regulations 2019.

(23) Any appeal must be lodged in accordance with procedures set out in the Student Appeals Procedure and within

20 University business days of the Notice of Decision.

Support to Students

(24) A student who is subject to a decision under the Regulations will remain a student of the University until:

a. The expiration of 20 University business days after the notice of the decision; or
b. Where an appeal has been lodged, until the appeal process has concluded.

(25) A student who is subject to a decision under the Regulation will be offered relevant support by the University through services such as, but not limited to, Counselling Services, Advocacy, Accessibility Unit, Safer Community Unit, student organisations or other relevant community services.

(26) The University will offer continued support to students and applicants subject to conditional enrolment or suspension (as the case may be) 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; and
c. encouraging the student to maintain contact with supportive colleagues and peers.

Privacy and Record Retention

(27) Any use or disclosure of information gathered by the University in the process of managing a matter under this Procedure will be on a ‘need to know’ basis, in compliance with the University’s privacy obligations and will be kept confidential to the extent possible.

(28) All records related to a matter under this Procedure will be used and retained in accordance with the University's Privacy Policy and Records Management Policy.

Section 5 - HESF/ASQA/ESOS Alignment

(29) HESF: 2.3 Wellbeing and Safety.

(30) National Code of Practice for Providers of Education and Training to Overseas Students 2018 (Cth): Standard 5 and 6; 9 Deferring, suspending or cancelling the overseas students' enrolment.

(31) Outcome Standards for NVR Registered Training Organisations 2025: Standards 2.6 Wellbeing; 2.7, 2.8 Feedback, Complaints and Appeals. Compliance Standards for NVR Registered Training Organisations and FPP Requirements 2025: 20 Compliance with Laws.

Section 6 - Definitions

(32) Terms used in this procedure have the same meaning given to them in regulation 4 of the Exclusion for Safety Reasons Regulations 2019 (the Regulations).

Status and Details

Status	Current
Effective Date	31st January 2025
Review Date	31st January 2028
Approval Authority	Deputy Vice-Chancellor Enterprise and Digital
Approval Date	20th January 2025
Expiry Date	Not Applicable
Accountable Officer	Lisa Line Deputy Vice-Chancellor Enterprise and Digital Lisa.Line@vu.edu.au
Responsible Officer	Darrel Caufield Chief Student Officer darrel.caulfield@vu.edu.au
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