



University of  
South Australia

## Required Medical Leave Procedures

**PROCEDURES NO:** AB-57 P1.2

**APPROVAL:** Academic Board 27 March 2020

**RESPONSIBLE OFFICER:** Director: Student and Academic Services

### RELATED DOCUMENTATION:

[Required Medical Leave Policy](#)

[Privacy Policy](#)

[Students with Disability Policy](#)

[Code of Conduct for Students](#)

[Student Complaints Resolution Policy](#)

[Academic Regulations for Higher Degrees by Research](#)

### 1. Governing Policy

Required Medical Leave Policy

### 2. Purpose

2.1 The purpose of these procedures is to set out the processes to be applied in relation to required medical leave for students.

### 3. Scope

3.1 These procedures apply to all UniSA students enrolled:

- in an undergraduate or postgraduate coursework program, enabling or bridging program, higher degree by research program, short program, or non-award and audit courses
- at an onshore or offshore campus
- internally, externally or online

### 4. Definitions

#### Serious health condition

For the purpose of these procedures a serious health condition is defined as an illness, injury, impairment, physical or mental health condition which results in behaviour that poses a significant risk to the student themselves, and/or to others whilst the student is engaged in University related activities.

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## **5. Initial investigation**

- 5.1 The University will become aware of a student's potential serious health condition either due to an incident occurring or via disclosure by a concerned individual. The initial investigation concerning such student matters must be conducted by the Academic Unit, under the direction of the relevant Dean of Programs or Dean of Research (unless the matter meets the criteria for more urgent management in accordance with the University crisis management processes – see clause 6.1 below).
- 5.2 The initial investigation will aim to engage with and provide appropriate wellbeing support to the student, as well as advice about advocacy services provided by the University of South Australia Student Association (USASA). The student must be afforded procedural fairness during the investigation, including the opportunity to respond and to be kept informed about any actions or decisions that affect their study. A copy of all correspondence must be provided to Campus Central to be retained on the student's file.
- 5.3 The initial investigation may lead to no further action being taken or to a student agreeing to a referral to support services. A student may voluntarily choose to take leave from study in response to their health-related circumstances, in which case they should be supported by being provided with relevant information and advice.

## **6. Urgent matters**

- 6.1 Serious or critical incidents that require an urgent response will be managed in accordance with the University's crisis management processes. Where a student's behaviour threatens the safety of others the University's By-laws may be invoked to deny the student access to University premises.
- 6.2 Following a crisis response, a student matter may be referred to the Students at Risk Group (SARG) for ongoing management (see clause 7.1 below).

## **7. Referral to the Students at Risk Group**

- 7.1 Student matters will be referred to the Students at Risk Group (SARG) either by the relevant Dean of Programs or Dean of Research following an initial investigation that fails to resolve the matter, or following a crisis response where there is a need for ongoing management.
- 7.2 Referral to the SARG will occur when it is judged not to be appropriate to refer the matter to the Student Misconduct Committee, in accordance with Statute 7, Student Misconduct. This does not preclude the possibility that circumstances might arise that require Statute 7 to be invoked.
- 7.3 The role of the SARG is to manage student cases involving behaviours which pose a significant risk to themselves and/or other members of the University community, or to others in the case of students undertaking University activities away from a UniSA campus. This includes behaviours arising from a serious health condition.

## **8. Students at Risk Group consideration**

- 8.1 On receipt of a referral the SARG will consider all available information and may seek additional information where necessary. The Group will convene a meeting with the student and a nominee of the relevant Executive Dean to discuss the concerns raised. The student will receive written notification of the meeting at least 5 working days prior to the meeting, will have the opportunity to provide a response to the issues raised, and to bring a support person or USASA Advocate to the meeting.

- 8.2. The SARG will ensure that all information associated with its activities is handled in accordance with the University's [Privacy Policy](#).
- 8.3 The SARG will ensure that its management of matters relating to students who are under 18 years of age is compliant with all relevant legislation and University policies and procedures.
- 8.4 The SARG will consult with the Student Engagement Unit where the referral relates to an international student and will ensure that its management of such matters is compliant with all relevant legislation and University policies and procedures.

## **9. Making the determination**

- 9.1 The SARG will consider all relevant options for providing support to the student, including, where relevant, consideration of any reasonable adjustments that could be made to enable the student to continue to study. The SARG will aim to engage the student in these considerations and to reach an agreement about the actions to be taken by both the student and the University.
- 9.2 Where the SARG determines that the best course of action would be for the student to take a leave of absence the Group will, where possible, actively engage and work with the student to reach agreement to take leave voluntarily.
- 9.3 Where it is not possible to reach agreement with the student the SARG may resolve to recommend to the relevant Executive Dean that a period of required medical leave be imposed. This recommendation will only be made as a measure of last resort and will be made on the basis of careful consideration of the available information and an assessment of the level of risk.
- 9.4 In making the recommendation to impose a period of required medical leave the SARG will also recommend what conditions, if any, should be set pertaining to the period of leave and any requirements to be met before return to study would be considered. Examples of such conditions include but are not limited to the minimum time period for the leave, expectations relating to compliance with medical and/or allied health advice, and the evidence to be provided in support of a claim of fitness to return to study.
- 9.5 The Executive Dean will make a determination, within 3 working days of receiving a recommendation from the SARG. A student will not normally be placed on required medical leave for longer than one year.
- 9.6 Following the decision to impose a period of required medical leave, a record of the decision, including any conditions set, will be provided to Campus Central to be retained on the student's file. The student will be sent a written notification of the decision, as well as advice about the option to appeal the decision (see clause 10.1 below).
- 9.7 Students who breach UniSA statutes, codes, policies, procedures, rules, or conduct agreements whilst on leave may be referred to the Student Misconduct Committee in accordance with Statute 7, Student Misconduct.

## **10. Appeal of decision to impose required medical leave**

- 10.1 A student may appeal a decision by an Executive Dean to impose a period of required medical leave by using the process set out in the University's [Student Complaints Resolution Policy](#). The student must lodge an appeal within 20 working days of the notification date, unless the Director: Student and Academic Services has approved a longer timeframe. However, the student will remain on required medical leave during the appeal process.

## **11. Support for students placed on required medical leave**

- 11.1 The University will seek to minimise the impact of required medical leave on the student to the greatest extent possible, including on academic standing, fees liability, as well as on matters related to higher degree candidature and scholarships. These matters will be considered on a case by case basis and in accordance with relevant legislation and University policy and procedures.
- 11.2 Where possible and appropriate the University will maintain contact with a student placed on required medical leave to provide assistance, monitor their progress, and to inform decisions regarding support to be provided when the student returns to study.

## **12. Return to study**

- 12.1 A student placed on required medical leave who wishes to return to study must make a request in writing to the relevant Executive Dean. Advice from the SARG must be sought by relevant staff in relation to all requests to return to study received from students placed on required medical leave.
- 12.2 A student requesting a return to study following a period of required medical leave must demonstrate that they have met all conditions set as requirements for return. The University may seek further information in relation to the request as necessary.
- 12.3 The relevant Executive Dean will consider the request, advice from the SARG, and any other relevant information and will determine one of the following outcomes within 3 working days of receiving advice from the SARG:
- a. agree to the request with no conditions, or
  - b. agree to the request, subject to specified conditions, or
  - c. refuse the request and extend the period of required medical leave, or
  - d. refuse the request and refer the matter for consideration in accordance with Statute 7, Student Misconduct.
- 12.4 A period of required medical leave will not normally be extended for more than one year, following the initial period of required medical leave.
- 12.5 A record of the decision, including any conditions set, will be provided to Campus Central to be retained on the student's file. The student will be sent a written notification of the decision, as well as advice about the option to appeal the decision (see clause 13.1 below).

## **13 Appeal of decision to extend required medical leave**

- 13.1 A student may appeal a decision by an Executive Dean to extend required medical leave by using the process set out in the University's [Student Complaints Resolution Policy](#). The student must lodge an appeal within 20 working days of the notification date, unless the Director: Student and Academic Services has approved a longer timeframe. However, the student will remain on required medical leave during the appeal process.

### **AMENDMENTS:**

Director: Student and Academic Services – April 2021