

STATUTE 5.4-EXCLUSION FOR REASONS OF UNFITNESS

1. In this Statute:

“Vice-Chancellor” means the Vice-Chancellor or a Deputy Vice-Chancellor.

2. (1) Any person authorised by this Statute to make a recommendation to the Vice-Chancellor must be satisfied that such recommendation is not unlawful under any legislation as may be applicable from time to time including, but not limited to, the Equal Opportunity Act and the Disability Discrimination Act.

(2) A person shall not be excluded or otherwise restricted under this Statute unless, the Vice-Chancellor is satisfied in the circumstances that such exclusion or restriction is not unlawful under any legislation as may be applicable from time to time including, but not limited to, the Equal Opportunity Act and the Disability Discrimination Act.

3. Subject to sub-section 2(1), if a Dean is of the opinion that an applicant for admission or re-admission in a program or course in that School may:

(a) require services or facilities that are not required by other students and the provision of which would impose unjustifiable hardship on the University;

(b) engage in behaviour by reason of which there would be an unreasonable risk to the health and/or welfare of other persons; and/or

(c) be unable to complete the program because the student cannot be placed for required external field work due to an unsatisfactory police record,

the Dean may, after consultation with the applicant and obtaining evidence in accordance with the process specified in the Regulations, recommend to the Vice-Chancellor that the applicant's admission or re-admission be refused until such time as the Vice-Chancellor determines otherwise.

4. Subject to sub-section 2(1), if a Dean is of the opinion that a student within that School may:

(a) require services or facilities that are not required by other students and the provision of which would impose unjustifiable hardship on the University;

(b) engage in behaviour by reason of which there would be an unreasonable risk to the health and/or welfare of other persons; and/or

(c) be unable to complete the program because the student cannot be placed for required external field work due to an unsatisfactory police record,

the Dean may, after consultation with the student and obtaining evidence in accordance with the process specified in the Regulations, recommend to the Vice-Chancellor that the student be permitted to continue the program subject to any conditions that the Dean may suggest, or that the student's admission or enrolment be suspended or terminated.

5. Subject to sub-section 2(1), if the Director, Campus Life of the University is of the opinion that a resident of the University Residences may engage in behaviour by reason of which there would be an unreasonable risk to the health and/or welfare of other residents, the Director may, after consultation with the resident and obtaining evidence in accordance with the process specified in the Regulations, recommend to the Vice-Chancellor the exclusion of that resident from residency or the requirement that the resident move to another room in the Residences.
6. (1) Subject to sub-section 2(2), on receipt of a recommendation from the Dean under sections 3 or 4 the Vice-Chancellor may:
 - [a] refuse an applicant's admission or re-admission;
 - [b] permit a student to enrol or continue in the program subject to any conditions the Vice-Chancellor thinks fit, or suspend a student's admission or enrolment until the Vice-Chancellor determines otherwise, or terminate a student's admission or enrolment,

if the Vice-Chancellor considers, in the circumstances of the case, that such a decision is necessary.
- (2) Subject to sub-section 2(2), on receipt of a recommendation from the Director, Campus Life under section 5 the Vice-Chancellor may exclude a resident from residency or require the resident to move to another room in the Residences, if the Vice-Chancellor considers, in the circumstances of the case, that such a decision is necessary.
7. Within seven (7) days of the date on which a decision is made by the Vice-Chancellor under section 6, written notice of the decision shall be posted to the student or resident at their last address officially recorded with the University. Such notice shall:
 - [a] include a statement informing the student of his or her rights of appeal under section 8; and
 - [b] include a statement of the reasons on which the decision was based,

provided that, if the Vice-Chancellor is advised by a medical practitioner that it would be preferable, the notice shall be posted to the next of kin of the student or resident, or to their medical practitioner.
8. A person who has received written notice pursuant to section 7 may, within twenty (20) working days of the date of the written notice, appeal to the Committee of Council as constituted under section 9 of this Statute.
9. The Council will nominate three (3) of its members, one of whom shall be a student, to form an ad-hoc Committee to hear any appeals under section 8.
10. The Committee formed under section 9:
 - [a] shall where practicable consult persons with special knowledge of the condition of the appellant and may otherwise make such inquiries as it deems relevant;
 - [b] shall consider any relevant medical certificate or other documentation which may be submitted by the appellant and shall hear evidence from the appellant and the person responsible for the original recommendation;

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- [c] may request the appellant to undergo a medical examination and/or professional assessment at the expense of the University by a person or persons nominated by the Committee; and/or
- [d] may confirm, vary or reverse a decision appealed against or may decide the admission, re-admission or residence at the University by the appellant be permitted subject to such conditions as the Committee thinks fit.
- 11 (1) Any student who breaches a condition of admission, re-admission or enrolment imposed by the Vice-Chancellor or Committee of Council under this Statute may, after being given an opportunity to make a submission to the Vice-Chancellor in relation to the breach, be excluded by the Vice-Chancellor.
- (2) A student excluded under sub-section 11(1) may, within twenty (20) working days of the date of the exclusion, appeal to the University Appeals Committee under Regulation 2.2.
12. If behaviour of a student under this Statute 5.4 is notified to the police, the University may suspend further action under this Regulation until any police action or investigation is completed.
13. Exclusion of a student under this Statute shall not constitute or be regarded as a penalty under the Statutes and Regulations governing student discipline.
14. (1) The Council or the Vice-Chancellor may at any time make Regulations, not inconsistent with this Statute, prescribing all matters which by this Statute are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Statute and by later Regulation revoke or amend any such Regulations.
- (2) Regulations made under this Statute shall be promulgated by being exhibited on the official notice boards of the University and after being so promulgated shall remain so exhibited for at least fourteen days during which time the University is operating.

Made 13/2/96 Promulgated 7/3/96
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