

University of Canberra (Medical Leave) Rules 2024

made under the *University of Canberra Act 1989*, s 40 (Statutes) and the *University of Canberra (Medical Leave) Statute 2017*

Part 1 Object and Authority

1 **Name of instrument**

This instrument is the *University of Canberra (Medical Leave) Rules 2024*.

2 **Commencement**

This instrument commences on the day it is approved by Council.

3 **Repeal**

- (1) The *University of Canberra (Medical Leave) Rules 2022* are revoked.
- (2) Determinations made under the *University of Canberra (Medical Leave) Rules 2022* are deemed to have been made under these Rules and continue in force until those determinations or these Rules are revoked.

4 **Purpose**

Where a student has a serious health condition, this instrument authorises the University to:

- (a) support a student to consent to a period of medical leave;
- (b) place a student on a period of involuntary medical leave; or
- (c) place conditions on a student's enrolment.

5 **Definitions**

In these rules, unless the contrary intention appears:

Act means the *University of Canberra Act 1989* (ACT) and includes statutes and rules made under that Act;

academic requirements has the same meaning as in *University of Canberra Courses and Awards (Courses of Study) Rules 2023*;

Authorised Officer means a person holding the role of Dean, Deputy Dean,

Associate Dean, Director, Pro-Vice Chancellor, Deputy Vice-Chancellor or Vice-President, appointed by the Vice-Chancellor under Rule 7;

Deputy Vice-Chancellor means a person holding the role of Deputy Vice-Chancellor at the University;

ESOS Act means the *Education Standards for Overseas Student Act 2000* (Cth);

involuntary medical leave includes to defer or suspend enrolment as defined in the *National Code of Practice for Providers of Education and Training to Overseas Students* as amended from time to time;

legal qualifications means a barrister or solicitor admitted to an Australian Court who is entered on the Roll of Legal Practitioners in an Australian jurisdiction;

medical examination includes an examination by a medical, psychological or allied health practitioner;

Medical Appeals Panel means the panel established pursuant to Rule 25;

mental disorder has the same meaning as defined in the *Mental Health Act 2015* (ACT);

mental illness means a mental illness as defined in the *Mental Health Act 2015* (ACT);

notifiable condition means a disease or medical condition as defined in the *Public Health Act 1997*(ACT);

Partner Institution means an organisation or company that provides education services to students of the University at the Partner Institution's premises under an Agreement with the University, and includes Third Party Providers;

Placement Provider includes an organisation or company that provides clinical or work integrated learning for students of the University at the Placement Provider's premises under an agreement with the University;

Prescribed Authority has the same meaning as defined in the *University of Canberra (Student Conduct) Rules 2023* as amended from time to time;

Secretary means the secretary of the Medical Appeals Panel appointed pursuant to rule 26;

serious health condition means a mental disorder, mental illness or notifiable condition, that, considering all of the circumstances of the case, and as adjudged by a reasonable person:

- (a) renders a student unable to undertake or complete their course of study or a unit of study at the University;
- (b) poses a substantial threat to their own safety or well-being and/or that of others;
- (c) causes or results in behaviour that may cause the student to harass to a significant extent or cause severe emotional disturbance to a member of the University community;
- (d) causes or results in behaviour that may disrupt the provision of academic or general services to any member of the University Community; or
- (e) causes or threatens damage to property at the University campus;

suspension means the cancellation of a student's enrolment in a course or a unit for a specified time and may include the temporary withdrawal of all rights and privileges as a student of the University, including the right to re-enrol and the right to enter or be on University grounds;

staff means any person employed by the University at any time under a contract of employment;

Statute means the *University of Canberra (Medical Leave) Statute 2017*;

student has the same meaning as in the *University of Canberra (Student Conduct Rules) 2023* as amended from time to time;

Student Conduct Rules means the rules made by Council under the *University of Canberra (Student Conduct) Statute 2015* as amended from time to time;

Third Party Provider has the same meaning as in the *University of Canberra (Student Conduct) Rules 2023*;

University campus means buildings or land owned or occupied by the University, and includes buildings or land owned or occupied by a Partner Institution or a Placement Provider; and

University community means staff, students, members of Council, staff employed by Partner Institutions or Placement Providers and consultants of the University or Partner Institutions or Placement Providers.

Note 1 Terms used in this Statute have the same meaning that they have in the Act (see Legislation Act, s 148). For example, the following terms are defined in the Act:

- council
- university
- vice-chancellor

Note 2 A reference to a statute or rule includes a reference to that statute or rule as repealed and amended since the reference was made, see the Legislation Act, s 102.

6 Governing principles of these Rules

- (1) The rules of procedural fairness apply to all decisions made under these Rules.
- (2) An action taken by the University in relation a person reasonably suspected of having a serious health condition will be the least restrictive action reasonably available to protect the student or another member of the University community or to prevent disruption of academic or general services to any member of the University community.

Note: For example, the least restrictive option may include revoking the right for the individual to attend the University campus while making provisions for online submission of assignments rather than a suspension from study altogether.

- (3) The University will seek to protect an affected person's privacy and dignity by involving as few people as is reasonably necessary in exercising its powers under these Rules.

7 Appointment of Authorised Officer/s

- (1) The Vice-Chancellor may appoint up to six (6) Authorised Officers to exercise the functions of an Authorised Officer under these Rules.
- (2) The Vice-Chancellor may remove an Authorised Officer from office at any time and for any reason, including where they have demonstrated a failure or incapacity to attend to their duties.

8 Right to support person or representative

- (1) A student who is the subject of enquiries or a hearing under these Rules may be accompanied by a support person or representative in any interaction with the University under these Rules.
- (2) The Director of Student Life may allocate a support person to the student where the student submits a request in writing to the Director of Student Life or their delegate.
- (3) The Authorised Officer may, at any time, allocate a support person to the student where the Authorised Officer determines that it is appropriate for the student to be allocated a support person.
- (4) A support person may advise the student, may address the Authorised Officer or Medical Appeals Panel on the student's behalf and, at a hearing, may call witnesses on behalf of the student (providing that the Authorised Officer or Chair of the Medical Appeals Panel is satisfied that any witness so called will not be subjected to harassment in the giving of their evidence).
- (5) A representative may appear as a support person at enquiries or a hearing, with the prior consent of the Authorised Officer or Chair of the Medical Appeals Panel.

9 Non-Disclosure

- (1) Subject to 9(2) and 9(3), no information or record of any inquiries, reports, minutes, notices, hearings or decisions made under these Rules may be disclosed by the University other than to the student or the student's representative or support person, except as authorised by the student or as required by these Rules or a law of the Commonwealth or the Australian Capital Territory.
- (2) If the student makes a request in writing to the Director of Student Life or their delegate for student wellbeing services to provide assistance to the student following the making of a decision in relation to the student, the Medical Leave Secretary may disclose the record of decision to the Director of Student Life or their delegate.
- (3) If the Authorised Officer makes enquiries in accordance with rule 10(2), and the advice recommends that a member of the University's student wellbeing services team be involved in communication of the decision to the student, the Medical Leave Secretary may disclose the full record of decision to the Director of Student Life or their delegate.

10 Service of Notices

- (1) Subject to 10(2) notices issued under these Rules must be sent in writing via email to the affected student's student email address and personal email address as provided by them to the University.
- (2) If an Authorised Officer has reasonable grounds for believing, on the basis of the information available to them at the time of preparing a notice under these Rules, that the health of the student may be adversely affected by receipt of such a notice, the Authorised Officer must obtain and act on advice, including but not limited to medical advice, about the most appropriate manner in which to contact the student.

Part 2 Powers of the University

11 Powers in urgent situations

- (1) At any time a Deputy Vice-Chancellor may, where there is an imminent threat and where the Deputy Vice-Chancellor suspects on reasonable grounds that the student has or is reasonably suspected of having a serious health condition, and without prior notice, do one or all of the following:
 - (a) deny a student access to all or any of the University's facilities;
 - (b) deny a student access to all or any part of the University campus; and
 - (c) deny a student access to any activity, conducted by or on behalf of the University or on the University campus.
- (2) The powers conferred in sub rule 11(1) may only be instituted where they are reasonably necessary to:
 - (a) protect the health and safety of the student concerned or any other person present on the University campus or member of the University Community;or

- (b) protect or preserve any property located at the University campus, a Placement Provider or a Partner Institution.
- (3) A decision under sub rule 11(1) shall remain in place for the period set by the Deputy Vice-Chancellor, or until a determination has been made by an Authorised Officer.
- (4) A decision under sub rule 11(1), may be lifted, varied or extended for a further specified period by a Deputy Vice-Chancellor pending the determination of an Authorised Officer.
- (5) To avoid doubt, denial of access under this Rule does not, of itself, terminate or suspend a student's enrolment.
- (6) Subject to sub rule 10(2), a decision under this Rule must be communicated to the student by notice as soon as possible and must specify the:
 - (a) terms of the decision;
 - (b) reasons for the decision; and
 - (c) information relied upon in making the decision, including the type and nature of the information.
- (7) A copy of the notice of a decision issued under sub rule 11(5) must be provided to an Authorised Officer and constitutes a report pursuant to sub rule 12(1).
- (8) A copy of the notice issued under sub rule 11(5) must be provided to the Secretary.

12 Reporting serious health condition

- (1) Any person who suspects on reasonable grounds, that a student has a serious health condition may report that suspicion, supported by evidence that demonstrates the reasonable grounds for the suspicion, to an Authorised Officer.
- (2) A person who makes a report under this Rule may request that their identity be kept confidential from the student.
- (3) Malicious reporting under this Rule is misconduct for the purposes of student and employee discipline.

13 Authorised Officer may make enquiries

- (1) An Authorised Officer, on receipt of a report under sub rule 12(1) or otherwise becoming aware that a student may have a serious health condition, must make all enquiries reasonably necessary to ascertain whether the student has a serious health condition.
- (2) In making their enquiries, an Authorised Officer must consider at a minimum, but is not limited to, the following:
 - (a) the informal measures that the University has taken in relation to the student, including:
 - (i) the steps the University has taken to assist the student in accordance with any early intervention and support procedures in place and amended from time to time;
 - (ii) the student's level of engagement with the University in relation to

- 13(2)(a)(i);
- (iii) if the student has engaged with the University's assistance, the Student Support Plan the University has developed in collaboration with the student; and
 - (iv) how the student has engaged with the Student Support Plan; and
- (b) where the below information is available or can be made available following a reasonable request made by the Authorised Officer:
- (i) a statement from any member of the University community, who may have information relevant to the Authorised Officer's enquiries;
 - (ii) medical and psychological reports related to the student's condition; and
 - (iii) oral or written submissions made by the student about their condition, including any explanations or reasons for any lack of engagement with the University's informal support and intervention attempts.
- (3) Subject to any submissions made by the student in their favour in accordance with 13(2)(b)(iii), if the University has:
- (a) made reasonable attempts to assist the student in accordance with 13(2)(a)(i); and
 - (b) the student has failed to meaningfully engage with the University, the Authorised Officer may, when determining the referral, draw conclusions unfavourable to the student arising from the student's lack of engagement and cooperation.
- (4) If the Authorised Officer has reasonable grounds for believing that any medical reports available are not sufficient for the Authorised Officer to draw reasonable conclusions regarding the extent of the student's health condition, the Authorised Officer may ask the student about whom the report was made to undergo a medical examination, at the expense of the University, by a person or persons nominated by the University.
- (5) For the purposes of sub rule 13(4) a medical report will not be sufficient if:
- (a) it does not include contemporaneous information prepared by a suitably qualified medical practitioner to assist the Authorised Officer to understand the student's medical condition at the time the enquiries are being made; or
 - (b) it does not include information sufficient or necessary for the Authorised Officer to determine whether medical leave conditions mentioned in sub rule 15(2) should be imposed; or
 - (c) for any other reason an objective person would consider to be reasonable in the circumstances.
- (6) If the student:
- (a) does not undergo a medical examination arranged by the Authorised Officer or is otherwise uncooperative with the Authorised Officer; or
 - (b) does not provide information requested; or
 - (c) does not attend a medical examination arranged by the Authorised Officer;

the Authorised Officer may, when determining the referral, draw conclusions unfavourable to the student arising from the student's lack of cooperation.

- (7) An Authorised Officer may direct a staff member of the University to provide any requested information to inform the Authorised Officer's enquiries under this rule.

14 Notice of Authorised Officer's intention to impose medical leave of absence

- (1) If, on the basis of the inquiries in rule 13, the Authorised Officer is satisfied on reasonable grounds that a student has or is reasonably suspected of having a serious health condition, the Authorised Officer must, subject to sub rule 10(2) and rule 15, issue the student with a show cause notice that asks the student to explain why they should not be subject to a decision under these Rules.
- (2) The show-cause notice must:
- (a) state the reasons for the Authorised Officer's proposed decision;
 - (b) state the information or material the Authorised Officer has relied upon in reaching the proposed decision and explain its relevance to the proposed decision;
 - (c) subject to sub rule 12(2), provide copies of any substantive information or material relied upon;
 - (d) invite the student to consent to a period of medical leave;
 - (e) state that the student may utilise a support person or representative to assist them with their engagement with this process;
 - (f) outline the student's options to participate in this process as per rule 14(3); and
 - (g) advise the student that they have 10 business days to respond to the Authorised Officer's proposed decision as set out in the notice. The Authorised Officer may extend this timeframe if, in the opinion of the Authorised Officer, there are extenuating circumstances that prevent the student from responding within that time.
- (3) At a minimum, the affected student may engage with this process by:
- (a) submitting a written submission;
 - (b) submitting relevant evidence which may include statements of support from the student's treating medical practitioner(s), witness statements, or any other evidence that may assist the student; and
 - (c) being afforded an opportunity to respond to the notice in person upon request made in writing to the Authorised Officer.
- (4) On receipt of a request from the affected student to appear and respond in person, the Authorised Officer must convene a meeting at an agreed time within 10 business days of the request.
- (5) At any meeting with a student under these Rules, an Authorised Officer must be accompanied by a senior staff member of the University Medical and Counselling Centre of whom the student is not and has not been a patient.

15 Powers of Authorised Officer to impose medical leave of absence

- (1) In making a decision under this Rule, the Authorised Officer must consider the consequences of that decision upon the affected student's:

- (a) ongoing welfare, including whether the student will have appropriate support following the decision to prevent the decision from worsening their health condition;
 - (b) accommodation, including whether the decision will have the effect of the student losing their ability to live in student accommodation; and
 - (c) visa status, if applicable.
- (2) If the Authorised Officer considers that the consequences of the decision will negatively affect the student's ongoing welfare, accommodation, or visa status, and that this negative impact may have the effect of worsening any serious health condition the student has or is reasonably suspected of having, the Authorised Officer must consider whether there is a different decision available that may be less restrictive in accordance with rule 6(2).
- (3) If the Authorised Officer, on the basis of the investigations conducted in accordance with rule 13 and 14, is not satisfied that the student is suffering from a serious health condition, the Authorised Officer must decide to take no further action in relation to the student.
- (4) If, on the basis of:
 - (a) the investigations undertaken by the Authorised Officer in accordance with rule 13; and
 - (b) the further information gathered by the Authorised Officer in accordance with rule 14;

the Authorised Officer is satisfied on reasonable grounds that a student has or is reasonably suspected of having a serious health condition, the Authorised Officer may determine, having regard to all of the circumstances and the evidence available as a result of those processes in rule 13 and 14, that one or more of the following should occur:

- (c) specified conditions be placed on the student's enrolment for a specified period of time that must not exceed 3 months, that the student must demonstrate ongoing satisfaction of to allow them to remain enrolled without a period of involuntary medical leave; or
 - (d) the student be placed on a period of involuntary medical leave for up to 12 months;
 - (e) specified conditions that the student must satisfy before the University will consider reinstatement of a student's enrolment following a period of medical leave; or
 - (f) discontinuation of the student from the University if there are no suitable conditions available to the University which would allow for reinstatement of their enrolment.
- (5) Conditions which may be imposed by the Authorised Officer under these Rules include (but are not limited to) demonstration of consistent academic progress, ongoing access to and engagement with University academic and non-academic support services, or ongoing compliance with any relevant medical treatments prescribed by a medical professional, including pharmacological treatments, and

behavioural or psychological therapies.

- (6) The University may review any period of medical leave or condition imposed on a student's enrolment under sub rule 15(2) prior to the cessation of the 3 month or 12 month period.

16 Notice of determination

- (1) Notice of a decision made by an Authorised Officer under Rule 15 must be provided to the affected student and must:
 - (a) identify the material facts that the Authorised Officer has identified from the evidence;
 - (b) outline the type and nature of the evidence or other material relied upon to make the findings;
 - (c) give reasons for the Authorised Officer's decision, including explaining to the student why the facts and the evidence are relevant to the Authorised Officer's decision; and
 - (d) subject to sub rule 12(2), provide an itemised list of any substantive information or material relied upon.
- (2) The Authorised Officer must cause a copy of the full decision to be given to the Secretary, and a copy of the partial decision, not including the reasons for the decision or the evidence considered when making the decision, to be provided to relevant University staff to give effect to the decision.
- (3) If rule 9(2) or (3) are relevant to the matter, the Secretary must cause a copy of the full decision to be provided to any relevant person in accordance with those rules.

17 Effect on enrolment and fees

If a student is placed on medical leave or their enrolment is discontinued as a result of a decision under these Rules, the University must consider remission of all or part of the student's fees in accordance with the *Higher Education Support Act 2003* (Cth) and the ESOS Act.

18 Time for the purpose of academic standards

Following a period of involuntary medical leave, the Academic Board will, to the extent possible, extend the time to meet the academic requirements for the student's course to take into account the duration of the medical leave.

Part 3 Appeals

19 Review of Decision

- (1) A student subject to a determination under Rule 15 may seek a review of the decision by making an application to the Medical Appeals Panel pursuant to the grounds for appeal stated in Rule 20.
- (2) Only one application for review per determination under Rule 15 can be made

under these Rules.

- (3) An appeal will only progress to a hearing before the Medical Appeals Panel where the request for an appeal is:
 - (a) made in writing;
 - (b) establishes at least one ground of appeal set out in Rule 20;
 - (c) is delivered to the Secretary; and
 - (d) is received not later than 20 business days after the day on which the notice of determination is provided to the student.

Procedure where valid appeal made – Committee Inquiry

- (4) Where the Secretary receives an appeal, the Secretary must be satisfied that the appeal satisfies the requirements of a valid appeal in rule 19(3).
- (5) Where the Secretary is satisfied that the appeal is a valid appeal, the Secretary must cause notice of the appeal to be given to the Chair of the Medical Appeals Panel.
- (6) Where the Chair of the Medical Appeals Panel receives a valid appeal, the Chair must convene a hearing of the Medical Appeals Panel in accordance with Rule 21.

Procedure where invalid appeal made

- (7) Where the Secretary is not satisfied that, on the face of the appeal, the appeal meets the requirements of rule 19(3), including where sufficient grounds for appeal are not stated or the student has failed to provide any evidence to substantiate the grounds, the Secretary must cause a copy of the formatively invalid appeal to be sent to the Chair of the Medical Appeals Panel.
- (8) When the Chair of the Medical Appeals Panel receives a formatively invalid appeal, the Chair must:
 - (a) consider the material provided; and
 - (b) decide whether the appeal is invalid; and
 - (c) if the appeal is invalid, cause a notice to be given to the student that states:
 - (i) that the appeal is invalid; and
 - (ii) why the appeal is invalid; and
 - (iii) that the student has a period of 5 business days to rectify the deficiencies in the appeal and provide the rectified appeal to the Secretary.
- (9) If the student submits documentation to the Secretary within the timeframe that rectifies the appeal, the Chair must proceed in accordance with rule 19(6).
- (10) If the student submits documentation to the Secretary within the timeframe that does not rectify the appeal, the Secretary must give the documentation to the Chair of the Medical Appeals Panel, and the Chair must consider the material and give notice to the student that:
 - (a) the appeal remains invalid, set out the reasons why the appeal remains invalid, and notify the student that the matter will not proceed on this basis;or

- (b) the Chair will grant the student special leave to appeal.
- (11) If the student does not submit any documentation to the Secretary within the timeframe, the Chair must confirm with the Secretary that the matter will not proceed and advise the student of the same.
- (12) The Chair must cause a copy of any notice sent to the student in accordance with this part to be provided to the Secretary.

Effect of ongoing Appeal Process on a decision of the Authorised Officer

- (13) A decision made by an Authorised Officer remains in force during any appeal period.

20 Grounds of Appeal

- (14) An appeal must address the grounds that, in making their decision, the Authorised Officer:
 - (a) did not take all relevant material into account; or
 - (b) took irrelevant material into account; or
 - (c) did not give the student a fair hearing; or
 - (d) was biased against the student.

Part 3 Procedures on Appeal

21 Hearing of Appeals

- (1) A decision of the Medical Appeals Panel is to be taken to be the decision of the original decision maker.
- (2) The Medical Appeals Panel must:
 - (a) convene within 20 working days from receipt of a valid appeal;
 - (b) fix a date, time and place for the hearing of an appeal; and
 - (c) give not less than 7 days' notice of the hearing to the appellant.
- (3) At a hearing of the Medical Appeals Panel:
 - (a) the quorum of the Medical Appeals Panel is three (3) members;
 - (b) the procedure to be followed is at the discretion of the Chair subject to the rules of procedural fairness;
 - (c) the Medical Appeals Panel may consult any person and inform itself on any matter in relation to an appeal in any manner it thinks fit;
 - (d) the Medical Appeals Panel is not bound by rules of evidence.
- (4) At the hearing of an appeal before the Medical Appeals Panel, the student (**the appellant**) may:
 - (a) appear in person;
 - (b) appear via video conference at the discretion of the Medical Appeals Panel;
 - (c) make oral or written statements; and
 - (d) with permission of the Chair of the Medical Appeals Panel, seek the attendance of relevant persons to present information in support of the appeal.
- (5) If the appellant fails to co-operate reasonably with the Medical Appeals Panel or

refuses to provide information, including medical or other reports, requested by the Medical Appeals Panel, the Medical Appeals Panel may proceed to a determination of the appeal, and may draw conclusions unfavourable to the appellant based upon the appellant's lack of cooperation or assistance.

- (6) A decision of the Medical Appeals Panel is final within the University.

22 Notice of determination of appeal

- (1) The Medical Appeals Panel must give written notice of its decision to the appellant and the original decision maker within 20 working days of the hearing.
- (2) Notice of a decision under Rule 21 must:
 - (a) identify the material facts that the Panel has identified from the evidence;
 - (b) outline the type and nature of the evidence or other material relied upon to make the findings;
 - (c) give reasons for the Panel's decision, including explaining to the student why the facts and the evidence are relevant to the Panel's decision; and
 - (d) subject to sub rule 12(2), provide an itemised list of any substantive information or material relied upon.
 - (e) outline the student's right to appeal the decision to the relevant Ombudsman.
- (3) The Medical Appeals Panel must cause a copy of the full decision to be given to the Secretary, and a copy of the partial decision, not including the reasons for the decision or the evidence considered when making the decision, to be provided to relevant University staff to give effect to the decision.
- (4) If rule 9(2) or (3) are relevant to the matter, the Secretary must cause a copy of the full decision to be provided to any relevant person in accordance with those rules.

23 Failure to engage with Medical Appeals Panel

- (1) If a student has lodged an appeal under Rule 19 and:
 - (a) does not appear in person at the hearing of the appeal; and
 - (b) is not otherwise represented at the hearing of the appeal; and
 - (c) does not make a written statement under sub rule 21(3)(b);

the appeal lapses and the Medical Appeals Panel will affirm the decision of the Authorised Officer.

- (2) The Medical Appeals Panel may restore or extend the student's right to an appeal in compelling or exceptional circumstances as represented by the student.

24 Hearings to be private

- (1) Any hearing conducted by the Medical Appeals Panel must be conducted in private.
- (2) A person is not entitled to be present at a hearing unless the person is:
 - (a) a member of the Medical Appeals Panel;
 - (b) the student;

- (c) a person nominated to act on behalf of the appellant;
- (d) a person nominated by the appellant as a support person;
- (e) the Secretary;
- (f) a legal practitioner appointed by the Medical Appeals Panel to provide the Medical Appeals Panel with legal advice;
- (g) a legal practitioner or other representative appointed by the student to appear on their behalf; or
- (h) a person giving evidence before the Medical Appeals Panel.

Part 4 Medical Appeals Panel

25 Medical Appeals Panel

- (1) The University shall establish a Medical Appeals Panel to determine applications for review under these Rules.
- (2) The Medical Appeals Panel consists of the following members, appointed on a case-by-case basis by the Vice-Chancellor:
 - (a) a Chair with relevant qualifications in psychology, psychiatry or medicine (who may be independent);
 - (b) a professor of the University from the academic discipline being studied or proposed to be studied by the appellant; and
 - (c) a person with legal qualifications (who may be independent).
- (3) The Vice-Chancellor may remove a member of the Medical Appeals Panel from office for failure or incapacity to attend to their duties.
- (4) A Medical Appeals Panel must not include:
 - (a) a person who has treated the appellant for any health condition; or
 - (b) a person who has given advice to the appellant in relation to any health condition; or
 - (c) a person who has made a decision about the appellant as an Authorised Officer.

26 Appointment of Secretary

The Vice-Chancellor shall appoint a person not being a member of the Medical Appeals Panel to be Secretary to the Medical Appeals Panel.

Part 5 Interaction with Student Conduct Rules

27 Student Conduct Rules and serious health conditions

- (1) An Authorised Officer may receive a referral under these Rules from a Prescribed Authority where misconduct proceedings have been brought against a student under the Student Conduct Rules and the Prescribed Authority forms a reasonable belief that the student may have a serious health condition.
- (2) Upon referral under sub rule 27(1), an Authorised Officer may make a recommendation to a Prescribed Authority to suspend further proceedings under

- the Student Conduct Rules.
- (3) If a student is found to have a serious health condition and is placed on a period of medical leave, and that student was referred to the Authorised Officer pursuant to sub rule 27(1), the Authorised Officer will make a recommendation to the Prescribed Authority to stay the misconduct proceedings for a reasonable period or discontinue the misconduct proceedings.
- Note: A reasonable period may include a permanent stay of proceedings.*
- (4) If a student is found not to have a serious health condition, the Authorised Officer will make a recommendation to the Prescribed Authority to resume the misconduct proceedings. A recommendation to resume the misconduct proceedings will be stayed if the student lodges an appeal of a decision under these Rules.
- (5) If a student has engaged in behaviour that is determined under these Rules as not being attributable to a serious health condition but might otherwise be regarded as misconduct under the Student Conduct Rules, the Authorised Officer or the Medical Appeals Panel may refer the student's conduct to a Prescribed Authority in accordance with the Student Conduct Rules.

Part 6 Miscellaneous

28 Procedures

- (1) The Council may make procedures, not inconsistent with the Act, the Statute or these Rules, prescribing all matters that are necessary or convenient to give effect to these Rules, including but not limited to procedures relating to:
- (a) a student's transition back into study following a period of medical leave;
 - (b) support services accessible by a student during enquiries or hearings under these Rules; and
 - (c) the giving of notices.

The foregoing Rules are made by Council under section 40 of the *University of Canberra Act 1989* and the *University of Canberra (Medical Leave) Statute 2017*.

In making these Rules the University had regard to the provisions of section 40B(1)(b) of the *Human Rights Act 2004*.

Rules approved at Council on 6 September 2024.