

STATUTE 5.4-EXCLUSION FOR REASONS OF UNFITNESS

1. (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.

2. Subject to sub-section 1(1), if a Head of School is of the opinion that an applicant for enrolment or re-enrolment in a course or unit 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; and/or
- [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 course because the student cannot be placed for required external field work due to an unsatisfactory police record,

the Head of School 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 enrolment or re-enrolment be refused until such time as the Vice-Chancellor determines otherwise.

3. Subject to sub-section 1(1), if a Head of School 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; and/or
- [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 course because the student cannot be placed for required external field work due to an unsatisfactory police record,

the Head of School 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 course subject to any conditions that the Head of School may suggest, or that the student's enrolment be suspended or terminated.

-
4. Subject to sub-section 1(1), if the Manager, Accommodation Services 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 Manager 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.
 5. (1) Subject to sub-section 1(2), on receipt of a recommendation from the Head of School under section 2 or 3 the Vice-Chancellor may:
 - [a] refuse an applicant's enrolment or re-enrolment;
 - [b] permit a student to continue in the course subject to any conditions the Vice-Chancellor thinks fit, or suspend a student's enrolment until the Vice-Chancellor determines otherwise, or terminate a student's enrolment;if the Vice-Chancellor considers, in the circumstances of the case, that such a decision is necessary.
 - (2) Subject to sub-section 1(2), on receipt of a recommendation from the Manager, Accommodation Services under section 4 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.
 6. Within seven days of the date on which a decision is made under section 5, 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 7; 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.
 7. A person who has received written notice pursuant to section 6 may, within fourteen days of the date of the written notice, appeal to the Appeals Committee.
 8. (1) Any student who breaches a condition of enrolment or re-enrolment imposed by the Vice-Chancellor or Appeals Committee 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 (1) may, within fourteen days of the date of the exclusion, appeal to the Appeals Committee.
9. The Council will nominate three of its members, one of whom shall be a student, to form an Appeals Committee to hear any appeals under sections 7 or 8.
10. The Appeals Committee:
- [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;
 - [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 Appeals Committee;
 - [d] may confirm, vary or reverse a decision appealed against or may decide the enrolment, re-enrolment or residence at the University by the appellant be permitted subject to such conditions as the Appeal Committee thinks fit.
11. Exclusion of a student under this Statute shall not constitute or be regarded as a punishment under the Statute and Regulations governing student discipline.
12. (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
Amendment 1 Made 08/12/99 Approved 24/02/00