



Compassionate and Compelling Circumstances for on-campus international students – Guidelines

Overview

The National Code of Practice for Providers of Education and Training to Overseas Students (National Code 2018) requires the University of New England (UNE) to demonstrate compliance with the National Code 2018 at the point of CRICOS registration and throughout its CRICOS registration period.

This compliance requirement also applies to students enrolled in courses delivered in association with another provider where UNE is the registered provider. UNE is responsible for breaches of the National Code, whatever the nature of its contractual or other arrangements with another provider.

Scope

These guidelines apply to all on campus international students at UNE and the English Language Centre as per Standard 10 of the National Code 2018. UNE Schools, administrative units, Residences and domestic partners of UNE are to ensure that policies and procedures pertaining to complaints and appeals which fall under their jurisdiction are read in conjunction with these guidelines which provide a definition of what constitutes compassionate and compelling circumstances when considering an international student's:

- Inability to complete the course within the expected duration (Standard 8.8: Overseas student visa requirements)
- Failure to meet attendance requirements (Standard 8.6: Overseas student visa requirements)
- Assessment, approval/rejection and recording of a deferment of the commencement of study or suspension of study (Standard 9: Deferring, suspending or cancelling the overseas student's enrolment), or
- Other appeals lodged through the internal policies and procedures of UNE or its domestic partners (Standard 10: Complaints and appeals).

Guidelines

Compassionate or compelling circumstances include general or personal circumstances that are adversely affecting a students' education in Australia (6.1.8) and must:

- be beyond the control of the student; and
- occur subsequent to the student accepting an offer to study at UNE; and
- have an impact on the student's general well-being or their capacity and/or ability to progress through their course.

Compassionate and compelling circumstances may include:

1. Serious illness or injury, where a medical certificate states that the student was unable to attend classes.
2. Bereavement of close family members such as parents, grandparents and children (where possible a death certificate should be provided).
3. Major political upheaval or natural disaster in the students' home country requiring emergency travel and which has impacted on their studies.
4. A traumatic experience which could include but is not limited to:
 - involvement in or witnessing of an accident or crime;
 - a crime committed against the student;
 - event affecting the student's family or home countryand these experiences have impacted on the student (cases should be supported by documentation from eg. police, psychologists' or counsellor's reports).

5. Inability to begin studying on the course commencement date due to a delay in receiving a student visa.
6. If the student has failed occasional units throughout the course, but has not performed poorly enough to become subject to an Early Intervention Strategy for course progress.
7. Other clearly compassionate and compelling circumstances at the discretion of the Director, UNE International.

When assessing a claim for compassionate and compelling circumstances the Director, UNE International (or nominee) is required to:

- Use professional judgment and assess each case on its individual merits;
- Interview the student involved;
- Consult with the relevant School or academic staff member;
- Consider documentary evidence provided to support the claim;
- Keep copies of all documents, together with a record of why the decision was made, in the student's file;
- Provide a written outcome to the student and if required, information on the appeals process; and
- Provide the student determined to have been affected by a compassionate or compelling circumstance with appropriate assistance.

Definitions

CRICOS – Commonwealth Register of Institutions and Courses for Overseas Students

DHA – Department of Home Affairs

ESOS – Education Services for Overseas Students (ESOS) Act 2000

National Code 2018 - National Code of Practice for Providers of Education and Training to Overseas Students

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Ingrid Elliston

Related policies or other documents:

Academic Assessment Appeals – Policy

International student transfers– Rules and Procedures

Refund of Tuition Fees for International Students

ESOS Act (Education Services for Overseas Students) legislative framework

National Code 2018 (National Code of Practice for Providers of Education and Training to Overseas Students 2018)