



Compassionate and Compelling Circumstances for Full-Time International Students (Irrespective of Study Location in Australia) – Guidelines

Overview

The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (National Code 2007) requires UNE to demonstrate compliance with the National Code 2007 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 7 of the National Code 2007. 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 9: Completion within Expected Duration)
- Failure to meet attendance requirements (Standard 11: Monitoring Attendance)
- Assessment, approval/rejection and recording of a deferment of the commencement of study or suspension of study (Standard 13: Deferment, Suspension or Cancellation of Study During Enrolment), or
- Other appeals lodged through the internal policies and procedures of UNE or its domestic partners (Standard 8: Complaints and Appeals).

Guidelines

Compassionate or compelling circumstances 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 - 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 student's family or home country and these experiences have impacted on the student (cases should be supported by police, psychologists' or counsellor's reports).

5. Inability to begin studying on the course commencement date due to 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 a School's 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 is required to:

- Use professional judgment and assess each case on its individual merits;
- Interview the student involved;
- Consult with the relevant School;
- Consider documentary evidence provided to support the claim;
- Keep copies of these documents, together with a record of why the decision was made, in the student's file; and
- Provide a written outcome to the student and if required, information on the appeals process.

Definitions

CRICOS – Commonwealth Register of Institutions and Courses for Overseas Students

Registry of providers of nationally recognized training to overseas students who have Australian student visas.

DIBP – Department of Immigration and Border Protection

The purpose of DIBP is to 'build Australia's future through the well-managed movement and settlement of people'

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

The ESOS Act sets out the legal framework governing delivery of education to overseas students studying in Australia on a student visa

National Code 2007 - National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students

Registered Provider

The process whereby a provider is recommended by a designated authority for registration under the ESOS Act to provide a specified course in that state to overseas students

Administration

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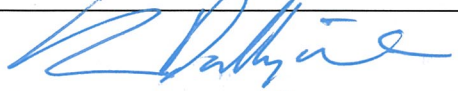
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[Signature]	
[Name]	VIRGINIA PATTINSON

Related policies or other documents:

Academic Assessment Appeals – Policy

International Student Transfer Between Registered Providers or Locations – Procedures

Refund of Tuition Fees for International Students

ESOS Act (Education Services for Overseas Students) legislative framework

National Code 2007 (National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007) Regulations