



Compassionate and Compelling Circumstances Policy

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Responsible Officer	General Manager, Services
Contact Officer	General Manager, Services
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Policy Approval

Approver (CEO)	Responsible Officer	Policy Officer
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Date: 9/11/2020	Date: 2/10/2020	Date: 2/10/2020

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1 Background

UNSW College is committed to delivering a high standard of education and training services to all of its students. Under the National Code, registered providers must have and implement documented policies and procedures for assessing requests, or making changes that relate to an overseas students' enrolment, as specified in a student's CoE.

2 Purpose

The purpose of this Policy is to:

- (a) define what compassionate and compelling circumstances are;
- (b) set out the matters in which UNSW College will consider a claim that compassionate and compelling circumstances exist; and
- (c) provide guidance to students on what documentary evidence they need to provide in support of any claim for compassionate and compelling circumstances.

3 Scope

This policy applies to:

- (a) Both Domestic and Overseas students enrolled in a UNSW College program (subject to the below exclusions); and
- (b) UNSW College staff involved in the promotion, recruitment, admission, teaching, delivery, support services or administration of students.

This policy does not apply to:

- (a) Students enrolled in Diploma programs (please refer to UNSW's policy framework); and
- (b) Students enrolled in an ELITE program who are not on a Student Visa.

4 Definitions

AHPRA means the Australian Health Practitioner Regulation Agency.

AQF means the Australian Qualification Framework.

CoE means the Confirmation of Enrolment.

Domestic students means a UNSW College Student who is an Australian citizen, a New Zealand citizen, an Australian permanent resident, or a person who is entitled to stay in Australia, or to enter and stay in Australia, without any limitation as to time.

DHA means the Department of Home Affairs, being the Australian government entity that manages border security and student visas.

ESOS Act means the *Education Services for Overseas Students Act 2000* (Cth).

NAATI means National Accreditation Authority for Translators and Interpreters.

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

Misadventure means an unfortunate situation that happens by chance.

Overseas students means Overseas students (within or outside Australia) who holds a student visa but does *not* include students of a kind prescribed in the ESOS Regulations.

5 Policy Statement

UNSW College will determine whether compassionate or compelling circumstances exist, based on documentary evidence provided to support the claim.

5.1 Students' obligations and rights under this policy

All UNSW College students are expected to comply with UNSW College policies and, where applicable, their visa requirements.

In certain circumstances, Students can ask for special consideration based on compelling and compassionate circumstances. Any claim by a student that compassionate and compelling circumstances exist must be genuine and made in good faith.

5.2 UNSW College's obligations under this policy

UNSW College will determine whether compassionate and compelling circumstances exist in accordance with the terms of this Policy and, where it is determined that compassionate and compelling circumstances exist, UNSW College will take this into consideration when making decisions under its other Policies.

6 The definition of compassionate and compelling circumstances

6.1 What are compassionate and compelling circumstances

Compassionate and compelling circumstances are matters which are, in most cases, beyond the control of the student and which will impact their capacity to progress with their planned course of study.

In the below table UNSW College sets out what it considers to be compassionate and compelling circumstances, and the documentary evidence required to support a claim.

Compassionate or Compelling Circumstances	Documentary Evidence Required
Compassionate or compelling circumstances that apply under all UNSW College policies	
Serious illness or injury of a student	Medical certificate from an AHPRA registered practitioner, stating that the student was unable to fulfil attendance /course progress requirements. Where the student is offshore, other medical evidence may be accepted at UNSW College's sole discretion.
Death or serious illness of a close family member such as a parent or grandparent.	A death certificate which is written in English or is translated into English by a NAATI accredited translator, or appropriate alternative evidence.
Major political upheaval or natural disaster in the home country of the student requiring emergency travel by the student that is, or is likely to have, an impact on the student's ability to continue or commence their studies.	Any reasonable evidence of the event, including copies of flight/travel bookings and/or any reasonable evidence of the impact such event has had on the student's studies
A traumatic experience where a student is victim of, or a witness to, a serious accident or crime, and this experience has adversely impacted on the student.	A hospital report, police report or an AHPRA registered health practitioner's report.

Compassionate or Compelling Circumstances	Documentary Evidence Required
	Where the student is offshore, other medical evidence may be accepted in UNSW College's sole discretion.
Misadventure, for example: an unusual/one-off event such as a major traffic incident that prevented the student from being able to travel to and attend class.	Any reasonable evidence of the event.
The Overseas Student's visa is cancelled by the DHA due to reasons other than the Overseas Student breaching the student visa conditions	No evidence required
Compassionate or compelling circumstances that apply under the Deferral, Suspension and Withdrawal Policy	
Where UNSW College is unable to offer a pre-requisite course;	No evidence required
The Overseas Student is unable to begin studying on the program commencement date due to delay in receiving a student visa	Evidence of when the student applied for their student visa
Compassionate or compelling circumstances that apply under the Overseas Student Transfer Policy	
If an overseas student on a packaged offer is not eligible for entry into a UNSW degree or Diploma program but has an offer to an equivalent AQF level course at a CRICOS registered provider; conditional on the student having completed their UNSW College program and having a GPA of at least 4	A copy of the offer to an equivalent AQF level course at a registered provider.
Other	
Any others circumstances that UNSW College considers to be compassionate and compelling in nature, in its sole discretion	Any reasonable evidence of the event.

6.2 What are NOT compassionate and compelling circumstances

Circumstances that are within the control of the student and/or will not impact upon the student's capacity to progress with their planned course of study will not be considered as compassionate or compelling and include, without limitation:

- (a) failure of a student to understand or seek clarification of UNSW College requirements as specified in its policies, processes and rules, for example, if a student misreads the exam timetable;
- (b) any delay by the student in checking correspondence sent by UNSW College;
- (c) conflicts of priorities which are to be expected in the normal course of the student's study, work, family or social life, for example, working while studying and any timetabling challenges that arises because of this work;
- (d) events that could have been prevented, for example, failing to attend class because an alarm was not set.

7 Making a claim for compassionate and compelling circumstances

UNSW College will consider any claim for compassionate and compelling circumstances as set out in this paragraph 7.

7.1 All Students

All UNSW College students may submit a claim for compassionate or compelling circumstances to support:

- (a) an application for a refund that departs from the standard terms set out in the Refund and Fees Policy;
- (b) any submission in relation to why they are not meeting the attendance requirements as set in the Attendance Monitoring Policy; and/or
- (c) any submission in relation to why they are not meeting the course progress requirements as set in the Course Progress Monitoring Policy;
- (d) any submission in relation to seeking special consideration.

7.2 Overseas Students

Overseas students may submit a claim for compassionate or compelling circumstances to support:

- (a) any submission in relation to why they are failing to meet a mandatory visa condition (8202) imposed on their student visa which requires satisfactory attendance and course progress. Where Overseas students fail to achieve satisfactory attendance or course progress, it may result in them being reported to DHA;
- (b) any request to defer or suspend their enrolment under Standard 9 of the National Code and in accordance with the Deferral, Suspension and Withdrawal Policy;
- (c) any request to change their study load in a compulsory study period; and/or
- (d) any request to transfer to another registered provider under Standard 7 of the National Code and the Overseas Student Transfers Policy.

7.3 How to make a claim for compassionate and compelling circumstances

Students should make any claim for compassionate and compelling circumstances as part of any submission or request under the relevant UNSW College Policy. All such claims must be supported by the documentary evidence required in accordance with paragraph 6.1 of this Policy.

8 Legal and Policy Framework

This policy complies with the *ESOS Act 2000* and the National Code.

8.1 Responsibilities

- (a) *Approver*
The Chief Executive Officer is responsible for the approval of this policy.
- (b) *Responsible Officer*

The General Manager, Services is responsible for the implementation, dissemination and review of this policy.

(c) *Contact Officer*

The General Manager, Services is responsible for the day to day implementation of this policy and is the first point of contact for all enquiries that relate to this policy.

(d) *Administration and publication*

The Legal and Compliance team is responsible for the administration and publishing of this policy.

(e) *Staff, Supervisors and Executives*

UNSW College staff, supervisors and executives are responsible for assisting in the implementation of and adherence to this policy.

8.2 Review

This policy is due for review three (3) years from its date of implementation or in case of legislative changes governing the delivery of education services to Overseas Students on a student visa.

9 Related Documentation

- (a) UNSWIL Student Handbook
- (b) UNSW Foundation Studies Handbook
- (c) Diplomas Handbook

10 Related Policies and Procedures

- (a) Attendance Monitoring Policy
- (b) Complaints and Appeals Policy
- (c) Compassionate and Compelling Circumstances Procedure
- (d) Course Progress Monitoring Policy
- (e) Deferral, Suspension and Withdrawal Policy
- (f) Overseas Student Transfers Policy

11 Version History

Version	Date Effective	Approved By	Amendment Notes
1	See page 1	Laurie Pearcey	Removal of Diploma programs from scope – UNSW Sydney's policy applies
2	01 March 2020	S. Walpola	Update to Section 6.1 – What are Compassionate or Compelling Circumstances – to align with adjustments to UNSW College's Overseas Student Transfer Policy settings