



Guidelines for Assessing Compassionate or Compelling Circumstances

Contents

1. Background	2
2. Purpose	2
3. Scope	2
4. Compassionate or Compelling Circumstances	2
4.1 Compassionate or Compelling Circumstances for All Students	2
4.2 Compassionate or Compelling Circumstances for International Students only	3
4.3 Circumstances not considered to be Compassionate or Compelling	3
5. Documentary Evidence Requirements	3
5.1 General Requirements	3
5.2 Medical Evidence	5
5.3 Verification of Documentary Evidence	5
6. Assessment of Compassionate or Compelling Circumstances	6
6.1 All Students	6
6.2 International Students	6
7. Roles and responsibilities	6
8. Definitions	7
9. Governance	9
10. Revision History	9



1. Background

- (a) *The National Code of Practice for Providers of Education and Training to Overseas Students 2018* outlines the requirements for the College in assessing certain International Student's requests that are based on Compassionate or Compelling Circumstances.
- (b) The College also has additional policies and procedures which require decision-making guided by Compassionate or Compelling Circumstances. To ensure consistency in College decisions based on the same criteria, the same Guidelines for Assessing Compassionate or Compelling Circumstances will be used.

2. Purpose

These Guidelines provide staff and Students with information as to what the College will consider as being Compassionate or Compelling Circumstances, the evidentiary requirements to support a claim of these circumstances and the assessment process, including specific assessment guidelines relating to the medical evidence required.

3. Scope

- (a) These Guidelines assist Head of College Business Units and nominated staff in making decisions based on Compassionate or Compelling Circumstances.
- (b) These Guidelines apply to, but are not limited to, Students who submit a request or an application for one of the following:
 - i. Program Deferral (International Students only);
 - ii. Program Leave or Leave of Absence (International Students only);
 - iii. Reduced Study Load (International Students only);
 - iv. Extension of studies duration/Confirmation of Enrolment (CoE) Extension (International Students only);
 - v. Transfer to another registered education provider within six (6) months of the principal program (International Students only);
 - vi. Requests made under other relevant College policies and procedures which refer to decision-making guided by Compassionate or Compelling Circumstances.

4. Compassionate or Compelling Circumstances

Compassionate or Compelling Circumstances are matters which are, in most cases, beyond the control of the Student and have an impact on their wellbeing or their academic progression.

4.1 Compassionate or Compelling Circumstances for All Students

This includes, but is not limited to, the following circumstances:

- (a) Serious illness or injury;
- (b) Loss, bereavement, or serious illness of a close family member;



- (c) 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;
- (d) Where the College is unable to offer a pre-requisite subject or unable to offer a full-time load of subjects;
- (e) Employment-related circumstances - applicable to Domestic Students only;
- (f) Any other circumstances that the College considers to be Compassionate or Compelling in nature, in its sole discretion.

4.2 Compassionate or Compelling Circumstances for International Students only

This includes, but is not limited to, the following circumstances:

- (a) Major political upheaval or natural disaster in the home country of the Student, requiring emergency travel by the Student that has, or is likely to have, an impact on the Student's ability to continue or commence their studies;
- (b) a situation in which a Student is unable to commence the program by the commencement date, due to a delay in receiving the Student visa;
- (c) a situation in which a Student requests Program Leave for the reason that he or she is required to undertake military service;
- (d) a situation in which a Student requests an extension of studies (CoE extension) and has failed occasional subjects, but has not done so poorly as to be picked up by the intervention strategy.

4.3 Circumstances not considered to be Compassionate or Compelling

The following circumstances are not considered to be Compassionate or Compelling:

- (a) failure of a Student to understand or seek clarification of the College requirements as specified in its policies, processes and rules; for example, if a Student misreads the exam timetable;
- (b) any delay or failure by the Student in checking correspondence sent by the 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 or an exam because an alarm was not set.

5. Documentary Evidence Requirements

5.1 General Requirements

In the table below, UNSW College sets out what it considers to be different types of Compassionate or Compelling Circumstances, and the documentary evidence required to support a claim based on that type. This list is not exhaustive and may include other information that supports the assertion that Compassionate or



Compelling Circumstances exist, as deemed by the member of staff assessing the claim.

Compassionate or Compelling Circumstances	Documentary Evidence Requirement
Serious illness or injury	<p>A medical certificate from an AHPRA registered health practitioner stating the Student's inability to attend classes and the timeframe for which the Student experienced medical issues impacting their studies.</p> <p>Please refer to section 5.2 of this Guideline for further information about medical evidence.</p>
Loss or bereavement	<ul style="list-style-type: none"> • A death certificate or death notice; and • Evidence of the relationship to Student (e.g. birth certificate, passport, family record, etc)
Serious illness of a close family member such as a parent or grandparent.	<ul style="list-style-type: none"> • Evidence of the illness from a doctor or hospital; and • Evidence of the relationship to Student (e.g. birth certificate, passport, family record, etc).
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.	<ul style="list-style-type: none"> • Media reports of political unrest or natural disaster; • Evidence of Student's residency in the affected area; • Personal statement outlining how the issue impacts Student's ability to study; • A copy of flight ticket.
A traumatic experience where a Student is a victim of, or a witness to, a serious accident or crime, and this experience has adversely impacted on the Student.	<ul style="list-style-type: none"> • A police report or incident report • A hospital letter or psychological report from an AHPRA registered health practitioner stating the Student's inability to attend classes and the timeframe for which the adverse experience will impact their studies. • A letter which includes a recommendation from an Authorised staff member stating the Student's inability to attend classes, Enrolment plan recommendation and the timeframe for which the adverse experience will impact their studies. <p>Please refer to section 5.2 of this Guideline for further information about medical evidence.</p>
Where UNSW College is unable to offer a pre-requisite subject, or unable to offer full-time Enrolment load	Signed Study Plan or Reduced Study Load form from the College academic staff.
Where a Student is unable to commence due to the delay in receiving Student visa	Correspondence from the Department of Home Affairs.



Compassionate or Compelling Circumstances	Documentary Evidence Requirement
Where a Student request for Program Leave or Leave of Absence is due to military service	Correspondence from military organization.
Where a Student request for granting extension of studies (CoE extension) and had failed occasional subjects but had not done so poorly as to be picked up by the intervention strategy	Signed and agreed intervention strategy by the Student Progress team.
Compassionate or compelling Circumstances that apply under the International Student Transfer Policy	
Where a Student on a packaged offer submits a request to transfer to another provider because they are not eligible for entry into a UNSW degree or Diploma program but has an offer to an equivalent AQF level program at a CRICOS registered provider; conditional on the Student having completed their UNSW College program and having a GPA of at least 4.	<p>A copy of the offer letter to an equivalent AQF level course at a registered provider.</p> <p>The International Student Transfer Policy requires Students to demonstrate the existence of Compassionate or Compelling Circumstances, <u>and</u> the requirement to demonstrate that it is in their best interest to study at the other provider.</p> <p>Students must be able to demonstrate that they meet both of the requirements.</p>
Other Circumstances	
Any others circumstances that UNSW College considers to be compassionate or compelling in nature, at its sole discretion	Any relevant certified document attesting that the situation is outside the Student's control and affects their ability to study.

5.2 Medical Evidence

A medical certificate should include the health practitioner's professional opinion about the impact of the student's illness or the adverse impacts of a traumatic event, and not simply repeat the Student's claim of the impacts of the illness or event without verifying it. The College will still accept a medical certificate which simply repeats a student's claim of illness or impact, but it may be weighed against other evidence.

The College acknowledges the sensitive nature of medical information including formal diagnosis and/or treatment or care plan. The College may require more information about the effect of a Student's medical condition on their studies, in this instance, the College may ask the Student to obtain the health practitioner's professional opinion.

5.3 Verification of Documentary Evidence

- (a) the College may verify the documentary evidence (for example, by contacting the medical practitioner or their practice to confirm);
- (b) the submission of fraudulent documentation will be deemed as serious non-academic misconduct and will be managed in accordance with the [Student](#)



[Misconduct Policy](#) and [Student Misconduct Procedure](#). The matter may also be referred to external government agencies such as the Police and/or Department of Home Affairs.

6. Assessment of Compassionate or Compelling Circumstances

UNSW College will consider any claim for Compassionate or Compelling Circumstances as set out in this section 6. Students should make a claim for Compassionate or Compelling Circumstances as part of any submission or request under the relevant UNSW College policies. All claims must be supported by the documentary evidence required in accordance with section 5 of this Guideline.

6.1 All Students

Any 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 [Student Refund Policy](#) and [Student Refund Procedure](#);
- (b) any submission in relation to why they are not meeting the attendance requirements as set in the [Attendance Monitoring Policy](#);
- (c) any submission in relation to why they are not meeting the course progress requirements as set in the [Academic Progression and Exclusion Policy](#);
- (d) any submission in relation to seeking special consideration under the [Assessment Policy](#);

6.2 International Students

International 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 International 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 [Enrolment Policy](#) and the relevant procedure.
- (c) any request to reduce study load in a compulsory Study Period in accordance with the [Enrolment Policy](#) and the relevant procedure; and/or
- (d) any request to transfer to another registered provider under Standard 7 of the National Code and the [International Student Transfer Policy](#).

7. Roles and responsibilities

Roles and Responsibilities in relation to the application of this Guideline are contained in the relevant policy documents that this Guideline supports.



8. Definitions

Definitions and Acronyms	
Census Date	This is the date within each Study Period when a Student's Enrolment must be finalised and the last day a Student can withdraw from a course without financial penalty.
Compassionate or Compelling Circumstances	<p>Compassionate or Compelling Circumstances are generally those beyond a Student's control and which have an impact upon their course progress or wellbeing.</p> <p>Examples of Compassionate or Compelling Circumstances include:</p> <ul style="list-style-type: none"> (a) Serious illness or injury to the Student or a close family member. (b) Bereavement of close family members such as parents or grandparents (c) Major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the student's studies (d) A traumatic experience, which could include: <ul style="list-style-type: none"> i. involvement in, or witnessing of a serious accident; or ii. witnessing or being the victim of a serious crime; which has impacted on the student. (e) Genuine delays to visas outside of the Student's control.
Confirmation of Enrolment (CoE)	A document, which is issued by UNSW College to intending overseas Students and which must accompany their application for a Student Visa. It confirms the overseas Student's eligibility to enrol in the particular Program.
Deferral	Delaying Enrolment for an approved amount of time.
Department of Home Affairs or DHA	The Australian Government department with responsibilities for national security, law enforcement, border control, immigration, refugees, citizenship, transport, security and multicultural affairs.
Domestic Student	A Student enrolled at an Australian location who is an Australian citizen, an Australian permanent resident or a New Zealand citizen.
Enrolment	Enrolment is a process by which Students remain active in their program, subjects are assigned for a specific teaching period based on program requirements and offerings and subsequently Students will be registered for classes.
Higher Education Standards Framework	Higher Education Standards Framework (Threshold Standards) 2021 (Cth)
International Student	A Student who does not have Australian or New Zealand citizenship or full permanent resident status in Australia. It includes those who have Student visas, provisional residency, temporary residency, bridging visas etc.
Program Leave	An approved leave of absence from a program for a period of no longer than twelve (12) months after completing at least one Term of study. Approved Program Leave may incur academic and/or financial penalties.
Student	A person enrolled in an approved course of study at UNSW College whose Enrolment has not lapsed or been cancelled.

Study Period	Each study period has a designated start and end date, Census Date, last date by which Students can add or substitute units of study, date for withdrawal with or without academic penalty (if applicable), and date for release of subject results.
Term	The administrative time period in which Teaching Periods are defined, Students enrol and for which Students are charged fees or Student contributions.

Related Policy Documents and Supporting Documents	
Legislation	<i>National Code of Practice for Providers of Education Training to Overseas Students 2018</i>
Documentation	UNSWIL Student Handbook UNSW Foundation Studies Handbook Diplomas Handbook
Policy	<ul style="list-style-type: none"> • Academic Progression and Exclusion Policy • Assessment Policy • Attendance Monitoring Policy • Enrolment Policy • Student Refund Policy • International Student Transfer Policy. • Student Appeal Policy • Student Misconduct Policy
Procedures	<ul style="list-style-type: none"> • Academic Progression and Exclusion Procedure • Admissions Procedure • Enrolment Procedure: Award Programs (Diploma) • Enrolment Procedure: Pre-Masters Program • Enrolment Procedure: Foundation and Transition Programs • Enrolment Procedure: Academic English Programs • Student Refund Procedure • Student Appeal Procedure • Student Misconduct Procedure

9. Governance

Guidelines for Assessing Compassionate or Compelling Circumstances	
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10. Revision History

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