



THE UNIVERSITY  
*of* ADELAIDE  
COLLEGE

# Compassionate and Compelling Circumstances Policy

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Foundation Studies, Degree Transfer and Pre-Master's programs (The University of Adelaide)  
CRICOS 00123M | English language programs (Kaplan Higher Education Pty Ltd) CRICOS 03127E.



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## Scope

This policy applies to all Domestic and Overseas students studying at the University of Adelaide College (College) operated by Kaplan Higher Education Pty Ltd under the terms of the Preferred Pathway Provider Agreement entered into with the University of Adelaide (University) and staff involved in the recruitment, admission, teaching, administration and delivery of support services to students.

Students enrolled at the Melbourne Campus in University of Adelaide Award programs delivered by the College (e.g. Bachelor of Information Technology / Master of Accounting) are bound by University of Adelaide policies.

## Purpose

The purpose of this policy is to:

- define and provide examples of compassionate and compelling circumstances ;
- set out the conditions in which the College will consider a claim that compassionate and compelling circumstances exist; and
- provide guidance to students on what documentary evidence they need to provide in support of any claim for compassionate and compelling circumstances.

## Background

The College is committed to delivering a high standard of education and training services to all its students. Under the National Code 2018, registered education providers must have and implement documented policies and procedures for assessing requests or making changes that relate to an overseas student's enrolment, as specified in a student's CoE.

## Definitions

**AHPRA** means the Australian Health Practitioner Regulation Agency which regulates Australia's registered health practitioners by setting standards, policies and conditions that all registered practitioners must meet.

**AQF** means the Australian Qualification Framework and refers to the criteria required to demonstrate the achievement of a qualification as per the Australian Qualifications Framework. For example, Level 5= Diploma, Level 7 = Bachelor Degree.

**Compassionate and Compelling Circumstances** means circumstances that may negatively impact a student's study, including but not limited to serious illness or injury, bereavement of close family members, major political upheaval or national disaster in their home country, or a traumatic experience such as a serious accident or crime.

**Confirmation of Enrolment (CoE)** means a document issued by education providers to verify an overseas student's enrolment in a specified program.

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

**Domestic student** means a University of Adelaide College Student who is an Australian citizen or permanent resident, a New Zealand citizen or a person who is a humanitarian visa.

**Misadventure** means an unfortunate situation that happens by chance.

**NAATI** means National Accreditation Authority for Translators and Interpreters which accredits and certifies translators and interpreters in Australia.

**Overseas student** means an international student (within or outside Australia) who holds a student visa.



## Policy Statement

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

## Student Obligations and Rights under this Policy

All students are expected to comply with the College's policies and their student 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.

## The College's Obligations under this Policy

The 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, the College will take this into consideration when making decisions under its other Policies.

## Compassionate and Compelling Circumstances: Documentary Evidence Requirements

The table below outlines examples of compassionate and compelling circumstances and the documentary evidence required to support a claim.

Compassionate or Compelling Circumstances	Documentary Evidence Required
<b>Compassionate and compelling circumstances that apply under all College policies</b>	
Serious illness or injury to the student	Medical certificate from an AHPRA registered Medical Practitioner or Psychologist located in Australia stating that the student was unable to fulfil attendance/course progress requirements.
Death or 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.
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.

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Compassionate or Compelling Circumstances	Documentary Evidence Required
<b>Compassionate and compelling circumstances that apply under all College policies</b>	
<p>A traumatic experience where a student is a victim of, or witness to, a serious accident or crime, and this experience has adversely impacted the student.</p>	<p>An Australian hospital report, police report or a report from an AHPRA registered medical practitioner or psychologist located in Australia.</p> <p>Where the student is offshore, other medical evidence may be accepted at the College's sole discretion. Evidence must be written in English or translated into English by a NAATI accredited translator. Translators outside Australia must be recognised as official and accredited translators in their jurisdiction and all translations must be provided on the translator's official letterhead. Please contact the <a href="#">Australian embassy or consulate</a> in that country directly for a list of approved translators.</p>
<p>Misadventure, an unusual/one-off event such as a major traffic incident that prevented the student from being able to travel to and attend class.</p>	<p>Any reasonable evidence of the event.</p>
<p>An overseas student's visa is cancelled by the DHA due to reasons other than the overseas student breaching the student visa conditions.</p>	<p>Letter of cancellation from DHA.</p>

<b>Compassionate or compelling circumstances that apply under the Deferral, Suspension and Withdrawal Policy:</b>	
<p>The College is unable to offer a pre-requisite course (if applicable).</p>	<p>No evidence required.</p>
<p>An overseas student is unable to begin their studies on the course commencement date due to a delay in receiving a student visa.</p>	<p>Evidence of when the student applied for their student visa.</p>



<b>Compassionate or compelling circumstances that apply under the Transfer between Providers Policy:</b>	
An overseas student on a packaged offer is not eligible for entry into a College or University program but has an offer to an equivalent AQF level course at a CRICOS registered education provider	A copy of the offer to an equivalent AQF level course at a registered education provider.
An overseas student on a packaged offer is eligible for entry into a program at the College or the University, but the student has an offer to an equivalent AQF level course at a registered education provider and transferring to such course is in the student's best interests.	A copy of the offer to an equivalent AQF level course at a registered education provider and a statement setting out why transferring to the new course is in the student's best interest.
<b>Other</b>	
Any other circumstances that the College considers to be compassionate and compelling in nature, in its sole discretion.	Any reasonable evidence of the event.

## 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 program of study will not be considered as compassionate or compelling and include, without limitations:

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



## Making a Claim for Compassionate and Compelling Circumstances

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

**All Students** may submit a claim for compassionate or compelling circumstances to support:

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

**Overseas Students** may submit a claim for compassionate and compelling circumstances to support:

- 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 and course progress, it may result in them being reported to DHA;
- any request to defer or suspend their enrolment under Standard 9 of the National Code 2018 and in accordance with the Deferral, Suspension and Withdrawal Policy;
- any request to change their study load; and/or
- any request to transfer to another registered provider under Standard 7 of the National Code 2018 and the Transfer between Education Providers Policy.

## Relevant Legislation

As a registered provider, the University of Adelaide College operates under strict laws and regulations. Policies and procedures are in place to ensure compliance with such laws.

Below, please find the most relevant legislation, policies and procedures which apply to this policy:

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

Education Services for Overseas Students Regulations 2019

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

## Related Policies

This policy should be read in conjunction with the following:

- Course Progress Monitoring Policy and Procedure
- Attendance Policy and Procedure
- Deferral, Suspension and Cancellation of Enrolment Policy
- Transferring Between Education Providers Policy
- Grievances, Complaints and Appeals Policy and Procedure



## Version Control and Accountable Officers

It is the joint responsibility of the Implementation Officer and Responsible Officer to ensure compliance with this policy.

<b>Policy Category</b>	Academic			
<b>Responsible Officers</b>	Vice President Academic			
<b>Implementation Officer</b>	College Director, The University of Adelaide College			
<b>Review Date</b>	December 2027			
<b>Approved by:</b>				
Vice President, Academic under a standing delegation by the Academic Board				
<b>Version</b>	<b>Authored by</b>	<b>Brief Description of the changes</b>	<b>Date Approved</b>	<b>Effective Date</b>
1.0	Kaplan Australia Quality, Regulations and Standards team.	New Policy.		
1.1	Quality Regulations and Standards Team	Clarification of allowable medical certificated and requirements where a medical provider is in Australia or overseas.  Mintor wording and formatting changes.  Moved to current template.	18.12.2024	19.12.2024