



THE UNIVERSITY
of ADELAIDE
COLLEGE

Compassionate and Compelling Circumstances Policy

Published April 2019 | Version 1.0

Table of Contents

Table of Contents	2
Scope	3
Purpose	3
Background	3
Definitions	3
Policy Statement	4
Students Obligations and Rights under this Policy	4
The College’s Obligations under this Policy	4
Definition of Compassionate and Compelling Circumstances	5
What are Compassionate and Compelling Circumstances	5
What are NOT Compassionate and Compelling Circumstances	7
Making a Claim for Compassionate and Compelling Circumstances	7
How to make a claim for Compassionate and Compelling Circumstances	8
Relevant Legislation and Policies	8
Amendments	8
Questions	9
Version Control and Accountable Officers	9

Scope

This policy applies to all overseas students studying at the University of Adelaide College (hereby referred to as “the College”) operated by Kaplan Higher Education Pty Ltd under the terms of the Preferred Pathway Provider Agreement entered into with the University of Adelaide (hereby referred to as “the University”).

This policy applies to:

- domestic and overseas students enrolled in a course delivered by the College;
- staff involved in the recruitment, admission, teaching, delivery, support services or administration of 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 what compassionate and compelling circumstances are;
- set out the matters 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 of 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 and overseas student’s enrolment, as specified in a student’s CoE.

Definitions

AHPRA means the Australian Health Practitioner Regulation Agency.

AQF means the Australian Qualification Framework.

CoE means Confirmation of Enrolment.

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 entitled to enter and stay in Australia, without any limitation as to time.

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

HA 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).

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

NAATI means National Accreditation Authority for Translators and Interpreters.

Misadventure means an unfortunate situation that happens by chance.

Policy Statement

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

Students Obligations and Rights under this Policy

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

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.

Definition of Compassionate and Compelling Circumstances

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 studies.

The College considers compassionate and compelling circumstances as outlined below and requires documentary evidence to support a claim.

Compassionate or Compelling Circumstances	Documentary Evidence Required
Compassionate and compelling circumstances that apply under all College policies	
Serious illness or injury of the student	Medical certificate from a Medical Practitioner or Psychologist 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.
A traumatic experience where a student is victim of, or witness to, a serious accident or crime, and this experience has adversely impacted on the student.	A hospital report, police report or a medical practitioner or psychologist report. Where the student is offshore, other medical evidence may be accepted at the College's sole discretion.
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.	Any reasonable evidence of the event.

The Overseas student's visa is cancelled by the HA due to reasons other than the overseas student breaching the student visa conditions.	Letter of cancellation from HA.
Compassionate or compelling circumstances that apply under the Deferral, Suspension and Withdrawal Policy:	
Where the College is unable to offer a pre-requisite course (if applicable).	No evidence required.
The overseas student is unable to begin their studies on the course 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 Transfer between Providers Policy:	
If an overseas student on a packaged offer is not eligible for entry into a UoAC or University of Adelaide course 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.
If an overseas student on a packaged offer is eligible for entry into a course at the College or the University of Adelaide 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; conditional on the student	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.
Other	
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 course 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; 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 HA;
- 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 period; 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.

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 College's policies. All such claims must be supported by the documentary evidence required in accordance with this policy.

Relevant Legislation and Policies

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)

<https://www.legislation.gov.au/Details/C2017C00292>

Education Services for Overseas Students Regulations 2001

<https://www.legislation.gov.au/Details/F2016C00681>

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

<https://www.legislation.gov.au/Details/F2017L01182>

Other College policies associated with the "Transferring between Education Providers Policy" (to be found at following link <https://college.adelaide.edu.au/about/policies-and-procedures/>)

- Course Progress Monitoring Policy
- Attendance Monitoring Policy
- Deferral, Suspension or Cancellation of Enrolment
- Transfer between Education Providers Policy
- Complaints and Appeals Policy

Amendments

The College reserves the right to amend this policy at its discretion. All changes and amendments to our policies are published on the College's website at following link: <https://college.adelaide.edu.au/about/policies-and-procedures/>

Questions

If you have any questions or comments about this Policy, please contact Student Services or Reception. If you do not have any questions the College presumes that you understand and are aware of the rules and guidelines in this policy and will adhere to them.

Version Control and Accountable Officers

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

Policy Category	Academic			
Responsible Officers	Vice President Academic			
Implementation Officer	National Campus Director, The University of Adelaide College			
Review Date	March 2020			
Approved by:				
Academic Board				
Version	Authored by	Brief Description of the changes	Date Approved	Effective Date
1.0	Kaplan Australia Quality, Regulations and Standards team.	New Policy.		



The University of Adelaide College
132 Grenfell St
Adelaide SA 5000 AUSTRALIA
Tel: +61 (0)8 8313 3430
Tel: +61 (0)8 8313 3877
college@adelaide.edu.au