



CHRISTIAN HERITAGE COLLEGE

## **POLICY: Leave of Absence for Overseas Students**

<b>Policy Group(s)</b>	Group B: Academic – 1: Students (Ref: B1/0807.2-0415)		
<b>Related Policy:</b>	Cancellation of Enrolment for Overseas Students Code of Conduct Deferral for Overseas Students Enrolment Status Grievances Policy for Overseas Students Refund Policy for Overseas Students Time Limits for Course Completion		
<b>Commencement Date:</b>	July 2007	<b>Review Date:</b>	April 2020

### **POLICY STATEMENT**

#### **Intent:**

Christian Heritage College (CHC) recognises that the needs of overseas students alter throughout the period of their course of study and from time to time it may be beneficial for overseas students to suspend their studies for a short period of time up to one semester.

The importance of communication between students and staff is paramount and the requirement to make formal application for leave of absence is one way to assist students when making decisions about the best pathway to achieve their academic goals and expected outcomes.

Formal application for leave of absence assists staff in tracking students' movement and to assist students to maintain successful progression through a course of study.

It is also important to provide clear guidelines for the circumstances in which CHC may find it necessary to suspend the enrolment of an overseas student due to misconduct.

#### **Scope:**

*Restrictions:* All Overseas students undertaking a course of study at CHC. Restrictions apply as per the *National Code 2007*.

*Exclusions:* Domestic Students

#### **Objectives:**

1. To provide clear guidelines concerning leave of absence of enrolment for overseas students and staff.
2. To facilitate a transparent process for the leave of absence of overseas students.
3. To provide clear guidelines for processing applications.
4. To ensure compliance with the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007* (the National Code), specifically Standard 13.

## Policy Provisions:

### 1. General

- 1.1 Under the *ESOS Act 2000* (Cth) there are two terms used to describe the interruption of an overseas student's study.
- 1.2 The first kind of interruption to study is initiated by the student and this is achieved through an application for a *Leave of Absence*. CHC is restricted by the National Code 2007 in its approval of any such application. Please refer to Policy Provision 2 below for details.
- 1.3 The second interruption to study can be initiated by CHC and for reasons of misconduct and shall be referred to as Suspension. Please refer to Policy Provision 3 below for details.
- 1.4 Depending upon the time frame and nature of the Leave of Absence or Suspension, overseas students should be aware there may be consequences in terms of sequencing and availability of units.
- 1.5 Should the interruption to study result in an overseas student leaving Australia, the overseas student must contact CHC upon their return.
- 1.6 Applications for Leave of Absence do not attract a fee.
- 1.7 Approved periods of Leave of Absence contribute to time limits for course completion.<sup>1</sup>
- 1.8 If CHC notifies the Department of Education through PRISMS that an overseas student's enrolment has been suspended for a significant period, the overseas student must return to their home country unless special circumstances exist, for example, the overseas student is medically unfit to travel. While CHC determines the enrolment status of the overseas student it is DIBP who decides whether the overseas student may remain in Australia or must return home. DIBP's policy is that if an overseas student's enrolment is suspended for a period of 28 days or longer, the overseas student **must** return home, unless special circumstances exist.
- 1.9 All Library borrowing rights and access to CHC services are revoked if the suspension is for misconduct or if the overseas student leaves the country.
- 1.10 Applications to suspend may be rejected by CHC in accordance with its procedures for assessing such requests. In such an instance overseas students are able to access the *Grievance Procedures for Overseas Students*. If an overseas student accesses the *Grievance Procedures for Overseas Students* the overseas student's enrolment status remains active.

### Leave of Absence

- 2.1 The *ESOS Act 2000* permits CHC to grant a leave of absence of studies to overseas students in compassionate or compelling circumstances only. Please refer to the Supporting Procedures and Guidelines for examples of compassionate or compelling circumstances.
- 2.2 Formal approval for a leave of absence is required under the *National Code 2007*. To formally request a leave of absence, overseas students must apply in writing to the Academic Registrar's Office outlining the compassionate or compelling circumstances which are the basis of their request. This should include the proposed dates for or duration of the period of leave and be included in the online *Application for Leave of Absence* form.

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<sup>1</sup> This provision replaces provision 1.7 from version B1/0605.1 and grandfathering arrangements are in place for those students who were granted a Leave of Absence under that version. See Supporting Procedures and Guidelines below.

- 2.3 If an overseas student is requesting an interruption to their studies after census date and for the balance of a semester, they should submit an online *Application for Refund – Overseas Students* to request a refund. Please refer to the *Refund Policy For Overseas Students* to see the circumstances under which a refund can be obtained.
- 2.4 If an overseas student is requesting an interruption to their studies for a portion of the semester, no refund is available as the intent of the overseas student is to return to complete the semester's study.
- 2.5 Overseas Students must contact their Course Coordinator before re-engaging their studies after a period of leave of absence.

### 3. Suspension

- 3.1 The *ESOS Act 2000* permits CHC to temporarily suspend the enrolment of overseas students due to misconduct. Misconduct can also be grounds for the cancellation of the enrolment of overseas students. Please refer to the *CHC Code of Conduct* for guidelines pertaining to misconduct which may warrant either the suspension or cancellation of an overseas student's enrolment.
- 3.2 Depending upon the nature of the circumstances pertaining to the suspension, the period of suspension may vary from one week to one whole compulsory study period.
- 3.3 CHC may become aware of student misconduct through a range of circumstances and/or sources.
- 3.4 The accuracy of the information which leads to the possible suspension of an overseas student due to misconduct must be determined by CHC.
- 3.5 Such processes will include informing the overseas student of the allegation and at least one interview with the overseas student. This initial interview will be facilitated by the Academic Registrar or their delegate.
- 3.6 The overseas student for whom suspension is proposed may be assisted by a third party at any time in this initial interview or any subsequent process.
- 3.7 Should the suspension be initiated by CHC for reasons of misconduct, CHC will notify the overseas student in writing of its intention to suspend the overseas student's enrolment.
- 3.8 Upon receipt of this notification the overseas student has 20 working days in which to access CHC's *Grievance Procedures for Overseas Students*.
- 3.9 CHC will not report any suspension to the Department of Education via PRISMS within these 20 working days or until the internal review process is completed should the overseas student choose to access it.
- 3.10 Should the overseas student choose to access an external review as provided for within the *Grievance Procedure for Overseas Students*, CHC may choose to report the suspension to the Department of Education via PRISMS prior to the completion of the external review process as provided for within the *National Code 2007*.
- 3.11 If extenuating circumstances relating to the welfare of the overseas student apply, CHC may report the suspension to the Department of Education via PRISMS prior to the completion of the internal review process. Please refer to the Supporting Procedures and Guidelines for examples of extenuating circumstances.

- 3.12 An overseas student who has been notified of CHC's intention to suspend may or may not be offered learning opportunities throughout the 20 working days or any subsequent period of appeal.
- 3.13 Should either an internal or external review process find in the favour of the overseas student, CHC will not report the suspension to the Department of Education via PRISMS.

#### **4. Communication**

##### **Leave of Absence**

- 4.1 Having assessed the validity of the request and ensured compliance with the relevant legislation, guidelines and codes, the Academic Registrar's Office will forward the request to the Dean of the relevant school for assessment regarding course progression.
- 4.2 The Dean will advise the Academic Registrar's Office of the outcome of the assessment and the student will be notified in writing of the success or otherwise of the request. A copy of this letter will be placed on the overseas student's file.
- 4.3 CHC will advise overseas students who have been successful in obtaining a leave of absence that this may affect their student visa and to contact DIBP for further information.
- 4.4 CHC will notify the Department of Education through PRISMS of any successful request for leave of absence as required under section 19 of the *ESOS Act 2000*.
- 4.5 Overseas students will be reminded to complete a Unit Selection form as the time for re-engagement of study approaches.

##### **Suspension**

- 4.6 In the case of suspension, CHC will notify the overseas student in writing of its intention to suspend the student's enrolment. Upon receipt of this notification the overseas student has 20 working days in which to access CHC's *Grievance Procedures for Overseas Students*. Please refer to Section 4 above.

### **Supporting Procedures and Guidelines:**

#### **Definition**

- 1.1 An interruption to study is to temporarily put studies on hold.

#### **2. Interruption to study**

- 2.1 An interruption to study can be initiated either by:
  - 2.1.1 the student in compassionate or compelling circumstances resulting in a leave of absence; or
  - 2.1.2 CHC for reasons of misconduct, resulting in a suspension of enrolment.
- 2.2 An interruption to study may be for a portion of, the balance of, or the entirety of a compulsory study period.
- 2.3 If initiated by CHC the suspension may be for a portion of, the balance of, or the entirety of a compulsory study period.

### 3. Application for Leave of Absence

3.1 To apply for a Leave of Absence a student is to complete an online *Application for Leave of Absence* form and provide a statement and supporting documentation outlining the compassionate or compelling circumstances which are the basis of your request. Is to be submitted to the Academic Registrar's Office and include the proposed dates for or duration of the period of suspension.

### 4. Examples of Compassionate or Compelling Circumstances (as noted in the *National Code 2007*)

4.1 Serious illness or injury where a medical certificate states that you are unable to attend classes.

4.2 Bereavement of close family members such as parents or grandparents (where possible a death certificate should be provided).

4.3 Major political upheaval or natural disaster in the student's home country which requires emergency travel.

4.4 A traumatic experience, such as involvement in or witnessing of a serious accident, or witnessing or being the victim of a serious crime (these cases should be supported by police or psychologists' reports).

4.5 CHC not being able to offer a prerequisite unit.

### 5. Examples of Extenuating Circumstances (as noted in the *National Code 2007*)

5.1 The student is missing.

5.2 The student has medical concerns, severe depression or psychological issues which lead CHC to fear for their wellbeing.

5.3 The student has engaged or threaten to engage in behaviour that is reasonably believed to endanger them or others.

5.4 The student is at risk of committing a criminal offence.

5.5 Any claim of extenuating circumstances will need to be supported by appropriate evidence.

### 6. Financial and Academic Implications

Financial and academic penalties may apply if the application for suspension is made after the census date for a current semester and for the balance of that semester. Please refer to the table below and contact the Academic Registrar's Office if you require further clarification.

Date of Interruption to Study	Transcript Entry	Tuition Fees Payable
Prior to Census Date (end of Week 4)	Nil	Nil
Weeks 5 to 8 (inclusive)	W – Withdraw	Full tuition fees payable
Weeks 9 to end of semester	WF – Withdraw Fail	Full tuition fees payable

Students should note that there may be administrative fees payable. These are indicated in the *Fees and Charges* document on the CHC website.

- 7. Staff Procedure for Assessing a Request for Leave of Absence on the Grounds of Compassionate and Compelling Circumstances**
- 7.1 Upon receipt of a request for leave of absence the Academic Registrar or their delegate will assess the validity of the request. The following elements will be considered when determining the initial validity of a request.
- 7.1.1 Compassionate or compelling circumstances are generally those beyond the control of the overseas student and which have an impact upon the overseas student's course progress or wellbeing.
- 7.1.2 Staff will use their professional judgement and assess each case on its individual merits.
- 7.1.3 Staff should refer to the examples provided within the *National Code 2007* of compassionate or compelling circumstances.
- 7.2 When determining whether compassionate or compelling circumstances exist, staff will consider any documentary evidence to support the claim and keep copies of these documents on the student's file.
- 7.3 If the request meets these conditions, it will be forwarded to the Dean of the relevant school who will inform the Academic Registrar's Office of any for academic implications taking into account any specific issues for the continuity of learning or other factors which may impinge on the completion within the expected duration of study, such as likely availability and/or sequencing of units, and any other relevant factors. Forward the application to the Academic Registrar's Office for final approval.
- 7.4 The Academic Registrar's Office will communicate to the student any academic implications of the suspension for their course of study. The overseas student may choose to withdraw or continue with their request for suspension.
- 7.5 The Academic Registrar's Office will make the final determination regarding the validity of the request and will inform the overseas student in writing of the outcome of the request.
- 7.6 The written notification will include any academic implications, any implications for completion within the expected duration of study and subsequent adjustments to the CoE and advice that the overseas student should contact DIBP for further information regarding their student visa and place a copy of the letter on the overseas student's file.
- 7.7 If a request for leave is granted and the end date of the student's CoE is not affected, the Academic Registrar will report the suspension to the Department of Education via PRISMS.
- 7.8 If a request for leave is granted and the end date of the student's CoE is affected, the Academic Registrar will report the leave to the Department of Education via PRISMS and if the return date of the overseas student is known, will create a new CoE immediately. If the return date is unknown, the Academic Registrar will decide whether to create a new CoE immediately or whether to wait until the return date is known.
- 7.9 Student Administration will enter any details in the Student Management System and will notify the Library.
- 7.10 The Library will make the adjustments on the Library Management System and if the student is leaving Australia, their borrowing rights will be revoked for the period of the absence.

- 7.11 Student Administration will withdraw the student from any Moodle™ units in which the student is enrolled and, if applicable, notify the School practicum coordinator who will withdraw the student from any planned or arranged practicum placements.
- 7.12 The Vice President – Advancement and Operations will assess the request in the light of the *Refund Policy for Overseas Students*.
- 7.13 If applicable and as the time for re-engagement in study approaches the overseas student will be contacted, by way of reminder, to complete a *Unit Selection* form for the following semester.

## 8. Staff Procedure for Suspension Due to Misconduct

- 8.1 When a member of CHC staff becomes aware of possible grounds for the suspension based on misconduct they are to contact the Academic Registrar's office.
- 8.2 Upon receipt of information regarding the possible ground for suspension of an overseas student, the Academic Registrar will convene a panel of at least three staff members. The panel will facilitate any investigation and ensure compliance with the relevant legislation, guidelines and codes.
- 8.3 The panel will determine the accuracy of the information leading to the proposed suspension of an overseas student which will include interviewing the overseas student and any other source as deemed appropriate or necessary.
- 8.4 The CHC *Code of Conduct* will be the guiding framework in considering the possible grounds for suspension.
- 8.5 Each case will be considered on its merits.
- 8.6 During this initial phase the student will have access to learning opportunities.
- 8.7 If a decision is made not to suspend, it is at the discretion of the panel whether or not to maintain a confidential record of the process on the overseas student's file. The overseas student will be informed of both the decision not to suspend and whether or not a confidential record of the process has been placed on their file.
- 8.8 Should a decision be made to suspend the overseas student's enrolment for reasons of misconduct, the Academic Registrar will notify the overseas student in writing of the intention to suspend. Upon receipt of this notification the overseas student has 20 working days in which to access CHC's *Grievance Procedures for Overseas Students*.
- 8.9 The panel will determine whether or not the overseas student is to be offered learning opportunities throughout the 20 working days or until the internal review process is completed should the overseas student choose to access it.
- 8.10 The Academic Registrar will not report any suspension to the Department of Education via PRISMS within these 20 working days or until the internal review process is completed should the overseas student choose to access it.
- 8.11 Should the overseas student choose to access an external review as provided for within the *Grievance Procedure for Overseas Students*, the panel may recommend to the Academic Registrar whether or not to report the suspension to the Department of Education via PRISMS prior to the completion of the external review process as provided for within the National Code 2007.

- 8.12 If extenuating circumstances relating to the welfare of the overseas student apply, the panel may recommend that the Academic Registrar report the suspension to the Department of Education via PRISMS prior to the completion of the internal review process. Section 5 above provides examples of extenuating circumstances.
- 8.13 Should either an internal or external review process find in the favour of the overseas student, the Academic Registrar will not report the suspension to the Department of Education via PRISMS.
- 8.14 If a decision is made not to provide learning opportunities to the overseas student during the 20 working days and any subsequent appeal process and the appeal finds in the favour of the student:
- 8.14.1 the Academic Registrar will issue a new CoE as required; and
- 8.14.2 no refunds will be given. If it is impracticable for an overseas student to complete the requirements of a unit(s) due to the reduced or withdrawn learning opportunities, the overseas student will be permitted to undertake this specific unit(s) or comparable unit(s) as determined by the Dean or Course Coordinator in a subsequent semester free of charge.
- 8.15 If a decision to suspend is made and
- 8.15.1 the overseas student does not contest the decision; OR
- 8.15.2 any appeal upholds the original decision to suspend, and the end date of the student's CoE is not affected, the Academic Registrar will report the suspension to the Department of Education via PRISMS.
- 8.16 If a decision to suspend is made and
- 8.16.1 the overseas student does not contest the decision; OR
- 8.16.2 any appeal upholds the original decision to suspend, and the end date of the student's CoE is affected, the Registrar will notify the Department of Education through PRISMS and create a new CoE.

## POLICY FURTHER INFORMATION

<b>Relevant Commonwealth/State Legislation</b>	ESOS Act 2000
	National Code 2007
	Education (Overseas Students) Act 1996
	Education (Overseas Students) Regulation 1998

## ACCOUNTABILITIES

<b>Implementation:</b>	Academic Registrar; Schools
<b>Compliance:</b>	Academic Registrar
<b>Monitoring and Evaluation:</b>	Academic Registrar and Deans
<b>Development/Review:</b>	Academic Board
<b>Approval Authority:</b>	Academic Board
<b>Interpretation and advice:</b>	Academic Registrar's Office



## WHO SHOULD KNOW THIS POLICY?

Students  
Deans  
Academic Staff  
Academic Administration Staff  
Business Office Staff – Financial Management/Fees

## EFFECTIVENESS OF THIS POLICY

<b>Performance Indicators:</b>	<ul style="list-style-type: none"><li>• The ratio of successful: unsuccessful suspensions</li><li>• The number of students who return to study after a period of suspension</li></ul>												
<b>Other</b>	Nil												
<b>Definitions and Acronyms:</b>	<table><tr><td>Census Date</td><td>the date by which all students must finalise their enrolment details with CHC. This date is published on the CHC website by 1 October 1 for Semester 1 and by April 1 for Semesters 2 and 3.</td></tr><tr><td>CHC</td><td>Christian Heritage College</td></tr><tr><td>CoE</td><td>Confirmation of Enrolment certificate (accessed through PRISMS)</td></tr><tr><td>DIBP</td><td>Department of Immigration and Border Protection</td></tr><tr><td>ESOS Act 2000</td><td>Education Services for Overseas Students Act 2000</td></tr><tr><td>PRISMS</td><td>Provider Registration and International Student Management System</td></tr></table>	Census Date	the date by which all students must finalise their enrolment details with CHC. This date is published on the CHC website by 1 October 1 for Semester 1 and by April 1 for Semesters 2 and 3.	CHC	Christian Heritage College	CoE	Confirmation of Enrolment certificate (accessed through PRISMS)	DIBP	Department of Immigration and Border Protection	ESOS Act 2000	Education Services for Overseas Students Act 2000	PRISMS	Provider Registration and International Student Management System
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## APPROVAL – section maintained by the Director of Quality and Standards

Reference No.	Approved	Date	Committee/Board	Resolution No. / Minute Ref.
B1/0807.2	Yes	09/08/2007	Academic Board	4.4

## REVISION HISTORY – section maintained by the Director of Quality and Standards

Revision Reference No.	Approved/Rescinded	Date	Committee/Board	Resolution No. / Minute Ref.
0911	Approved	15/09/2011	Academic Board	4.1
0415	Approved	30/04/2015	Academic Board	4.1