



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 Student Code of Conduct Deferral for Overseas Students Enrolment Grievance Policy for Overseas Students Refunds for Overseas Students Time Limits for Course Completion
<b>Commencement Date:</b>	July 2007
<b>Review Date:</b>	April 201
<b>Scheduled Review Date:</b>	April 2020

### **POLICY STATEMENT**

#### **Intent:**

Christian Heritage College (CHC) recognises that the needs and circumstances of overseas students might alter throughout the period of their course of study and, from time to time, it may be beneficial for overseas students to take a leave of absence from their studies. The requirement for overseas student to make formal application for leave of absence is one way in which to assist students when making decisions about the best pathway to achieve their academic goals and expected outcomes. Formal application for leave of absence also assists staff to track students' movement and to assist them to maintain successful progression through a course of study.

There may also arise circumstances under which CHC might wish to suspend an overseas student's enrolment due to actions undertaken by the overseas student. It is important to provide clear guidelines in such circumstances, particularly when student misconduct is involved.

#### **Scope:**

*Restricted to:* Overseas students undertaking a course of study at CHC.

*Excludes:* Domestic students

#### **Objectives:**

1. To provide clear guidelines for staff and overseas students concerning processes associated with leave of absence.
2. To facilitate a transparent process for eligible overseas students to take a leave of absence from their course of study.
3. To provide clear guidelines for processing applications for leave of absence.
4. To ensure compliance with the *National Code of Practice for Providers of Education and Training to Overseas Students 2018* (the National Code), specifically Standard 9.

## Policy Provisions:

### 1. General

- 1.1 Under the *ESOS Act*, CHC is permitted to interrupt an overseas student's enrolment where particular circumstances exist. Such interruption may be initiated by an overseas student or by CHC. At CHC, these different types of interruption to study are:
  - 1.1.1 Interruption to study that is initiated by an overseas student may occur where there are compelling or compassionate circumstances and is known as 'leave of absence' (see Policy Provision 2).
  - 1.1.2 Interruption to study that is initiated by CHC may occur for reasons of misconduct and is known as 'suspension' (see Policy Provision 3).
- 1.2 Depending upon the duration and nature of the leave of absence or suspension, overseas students should be aware that there may be implications that arise for their course completion in terms of the sequencing and availability of units.
- 1.3 CHC will notify the Department of Education and Training via PRISMS of all approved leaves of absence and all suspensions of overseas students' enrolment and will advise such overseas students to contact the Department of Home Affairs for advice regarding the implications of the interruption for their student visa.
- 1.4 The Department of Home Affairs will determine whether the overseas student may remain in Australia during the interruption to their course or if they must return to their home country. If the leave of absence or suspension results in an overseas student leaving Australia, the overseas student must contact CHC upon their return.

### 2. Leave of Absence

- 2.1 CHC may grant leave of absence to overseas students where there are compassionate or compelling circumstances (see the *Supporting Procedures and Guidelines* for examples).
- 2.2 Formal approval for leave of absence is required. To apply for leave of absence, overseas students must submit an [Application for Leave of Absence](#) form that explains the reasons for which leave of absence is sought, with relevant documentation attached (as applicable) that demonstrates how these meet the requirement of 'compassionate or compelling circumstances'.
- 2.3 Applications for leave of absence do not attract a fee.
- 2.4 Approved periods of leave of absence contribute to time limits for course completion.
- 2.5 Overseas students will be notified in writing of the outcome of their application for leave of absence. A copy of this letter will be placed on the overseas student's file.
- 2.6 Where applications for leave of absence are rejected, overseas students can access CHC Policy: *Grievance Policy for Overseas Students*. If an overseas student accesses this policy, the conditions and timelines stated therein apply to the review process. The overseas student's enrolment status will remain active and, where the agreed starting day has passed, the overseas student is to attend classes until the review process is completed.
- 2.7 If an overseas student requests a leave of absence for a subsequent semester, they may select to have the tuition fees that have been paid towards that semester retained by CHC in the appropriate account and applied to their subsequent semester of enrolment, or to apply to have their unspent tuition fees refunded. Applications can be made by submitting an [Application for Refund – Overseas Students](#) form. Where such applications are made, the provisions of CHC Policy: *Refunds for Overseas Students* apply.

- 2.8 If an overseas student requests a leave of absence after the census date of a semester and for the balance of that semester, they are not eligible for a refund of the tuition fees that have been paid towards that semester unless special circumstances as described in CHC Policy: *Refunds for Overseas Students* are demonstrated to exist as the reason for the leave of absence. Overseas students who consider that special circumstances exist may apply to have the tuition fees for the refunded. Applications can be made by submitting an [Application for Refund – Overseas Students](#) form. Where such applications are made, the provisions of CHC Policy: *Refunds for Overseas Students* apply.
- 2.9 If an overseas student requests a leave of absence for a portion of a semester, they are not eligible for a refund of the tuition fees that have been paid towards that semester as the intent of the overseas student is to return to complete the semester of study.
- 2.10 Overseas students who have completed an approved leave of absence must contact their Course Coordinator before re-engaging their studies to determine a program of units for the completion of their course and the units to be selected on the *Unit Selection* form for the semester of their return to study.
- 2.11 All Library borrowing rights and access to CHC services will be revoked during the leave of absence.

### 3. Suspension of Enrolment

- 3.1 CHC may suspend the enrolment of an overseas student due to misconduct such as, but not including:
  - 3.2.1 misbehaviour by the overseas student (see CHC Policy: *Student Code of Conduct*);
  - 3.2.2 failure by the overseas student to pay an amount they are required to pay to CHC to undertake or continue the course; or
  - 3.2.3 a breach by the overseas student of the requirements pertaining to their student visa including, but not limited to, the maintaining of satisfactory course progress.
- 3.2 Misconduct can also be grounds for the cancellation of an overseas student's enrolment (see CHC Policy: *Cancellation of Enrolment for Overseas Students*).
- 3.3 Depending upon the nature of the circumstances regarding the suspension, the period of suspension may vary from one week to one semester.
- 3.4 CHC may receive information regarding alleged misconduct by an overseas student through a range of circumstances and/or sources. The accuracy of such information must be determined by CHC. Processes for determining the accuracy of such information will include informing the overseas student of the allegation and the conducting of at least one interview with the overseas student. This initial interview will be facilitated by the Academic Registrar or their delegate. The overseas student for whom misconduct is alleged may be assisted during such processes by a third party, provided that person is not a lawyer.
- 3.5 Where suspension of enrolment is initiated by CHC, prior to the suspension becoming effective CHC will issue the overseas student with a notice that it intends to suspend the student's enrolment. Upon receipt of this notice, the overseas student has 20 working days in which to access CHC Policy: *Grievance Policy for Overseas Students*.
- 3.6 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.
- 3.7 CHC will not report any suspension to the Department of Education and Training via PRISMS within this 20-working day period or until the internal review process is completed should the overseas student choose to access it.

- 3.8 Should the overseas student choose to access an external review process, as provided for in CHC Policy: *Grievance Policy for Overseas Students*, CHC may choose to report the suspension to the Department of Education and Training via PRISMS prior to the completion of the external review process.
- 3.9 If extenuating circumstances relating to the welfare of the overseas student apply, CHC may report the suspension to the Department of Education and Training via PRISMS prior to the completion of the internal review process (see the *Supporting Procedures and Guidelines* for examples).
- 3.10 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 and Training via PRISMS.
- 3.11 Should either an internal or external review process uphold the decision of CHC to suspend the overseas student's enrolment, CHC will report the suspension to Department of Education and Training via PRISMS.
- 3.12 Overseas students whose enrolment is suspended due to misconduct are not eligible for a refund of any tuition fees, regardless of the duration of the suspension or the point in a semester in which the suspension is effective.
- 3.13 All Library borrowing rights and access to CHC services will be revoked during the period of suspension.

### Supporting Procedures and Guidelines:

#### 1. Examples of Compassionate or Compelling Circumstances

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. These may include, but are not limited to:

- 1.1 Serious illness or injury where a medical certificate states that the student is unable to attend classes.
- 1.2 Bereavement of close family members such as parents or grandparents (where possible a death certificate should be provided).
- 1.3 Major political upheaval or natural disaster in the overseas student's home country which requires emergency travel.
- 1.4 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).
- 1.5 CHC not being able to offer a prerequisite unit.

#### 2. Examples of Extenuating Circumstances

- 2.1 The student is missing.
- 2.2 The student has medical concerns, severe depression or psychological issues which lead CHC to fear for their wellbeing.
- 2.3 The student has engaged or threaten to engage in behaviour that is reasonably believed to endanger them or others.
- 2.4 The student is at risk of committing a criminal offence.
- 2.5 Any claim of extenuating circumstances will need to be supported by appropriate evidence.

### 3. Staff Procedure for Assessing an Application for Leave of Absence

- 3.1 Upon receipt of an application for leave of absence, the Academic Registrar or their delegate will assess the application against the requirement of 'compassionate or compelling circumstances' and any documentary evidence provided to demonstrate their existence. Copies of such documentation will be kept on the overseas student's file.
- 3.2 Staff will use their professional judgement and assess each case on its individual merits.
- 3.3 The Academic Registrar will inform the overseas student in writing of the outcome of the application. This will include advice that the overseas student should contact the Department of Home Affairs for further information regarding their student visa. A copy of this letter will be placed on the overseas student's file.
- 3.4 If the application is assessed as meeting the requirement of 'compelling or compassionate circumstances', it will be forwarded to the relevant Course Coordinator to determine a revised course end date and a program of units for the completion of course requirements, taking into account factors such as the availability and/or sequencing of units, and any other relevant factors. The Course Coordinator will provide this advice to the overseas student and the Academic Registrar.
- 3.5 If the application for leave is granted and the end date of the overseas student's CoE is not affected, the Academic Registrar will report the leave of absence to the Department of Education and Training via PRISMS.
- 3.8 If the application for leave of absence is granted and the end date of the overseas student's CoE is affected, the Academic Registrar will report the leave of absence to the Department of Education and Training via PRISMS, and:
  - 3.8.1 if the return date of the overseas student is known, the Academic Registrar or their delegate will create a new CoE immediately.
  - 3.8.2 If the return date is unknown, the Academic Registrar will decide whether to create a new CoE immediately or to wait until the return date is known.
- 3.9 If the application for leave of absence is successful, CHC will record the overseas student's leave of absence in the CHC Student Management System, withdraw the overseas student from any units in which they may have enrolled and suspend the overseas student's access to Moodle™, Library borrowing rights and CHC services for the period of deferral.

### 4. Commencing Studies Following Leave of Absence

- 4.1 Overseas students who have been granted leave of absence will be contacted by the CHC Student Administration Officer towards the end of that period to inform them of the processes and requirements that apply to their re-enrolment in their course, including completion of a *Unit Selection* form relevant to the semester of re-enrolment.
- 4.2 Overseas students are advised to contact their Course Coordinator before completing their *Unit Selection* form for advice regarding the schedule of units that applies to the semester of enrolment in their particular course of study.

### 5. Staff Procedure for Suspension

- 5.1 When a member of CHC staff becomes aware of possible grounds for the suspension based on misconduct they are to contact the Academic Registrar
- 5.2 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 an investigation and ensure compliance with the relevant legislation, guidelines and codes.

- 5.3 The panel will determine the accuracy of the information regarding the alleged misconduct. This will include interviewing the overseas student and any other source as deemed appropriate or necessary.
- 5.4 CHC Policy: *Student Code of Conduct* will be the guiding framework in considering the possible grounds for suspension.
- 5.5 Each case will be considered on its merits.
- 5.6 During this initial phase, the overseas student will have access to learning opportunities.
- 5.7 If a decision is made not to suspend, it is at the discretion of the panel whether 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 a confidential record of the process has been placed on their file.
- 5.8 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 Policy: *Grievance Policy for Overseas Students*.
- 5.9 The panel will determine whether 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.
- 5.10 The Academic Registrar will not report any suspension to the Department of Education and Training via PRISMS within these 20 working days or until the internal review process is completed should the overseas student choose to access it.
- 5.11 Should the overseas student choose to access an external review as provided for within CHC Policy: *Grievance Policy for Overseas Students*, the panel may recommend to the Academic Registrar whether to report the suspension to the Department of Education and Training via PRISMS prior to the completion of the external review process.
- 5.12 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 and Training via PRISMS prior to the completion of the internal review process (see above for examples of extenuating circumstances).
- 5.13 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 and Training via PRISMS.
- 5.14 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:
  - 5.14.1 the Academic Registrar will issue a new CoE as required; and
  - 5.14.2 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 their delegate in a subsequent semester free of charge.
- 5.15 If a decision to suspend is made and
  - 5.15.1 the overseas student does not contest the decision; OR
  - 5.15.2 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 and Training via PRISMS.

- 5.16 If a decision to suspend is made and
- 5.16.1 the overseas student does not contest the decision; OR
  - 5.16.2 any appeal upholds the original decision to suspend, and the end date of the student's CoE is affected, the Academic Registrar will notify the Department of Education and Training through PRISMS and create a new CoE.

#### POLICY FURTHER INFORMATION

<b>Relevant Commonwealth/ State Legislation</b>	ESOS Act 2000 National Code 2018 Education (Overseas Students) Act 1996 Education (Overseas Students) Regulation 1998
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#### ACCOUNTABILITIES

<b>Implementation:</b>	Academic Registrar
<b>Compliance:</b>	Academic Registrar
<b>Monitoring and Evaluation:</b>	Academic Registrar
<b>Development and Review:</b>	Director of Quality and Standards
<b>Approval Authority:</b>	Academic Board
<b>Interpretation and advice:</b>	Academic Registrar

#### WHO SHOULD KNOW THIS POLICY?

Overseas students  
Course Coordinators  
Admissions Officer  
Student Administration Officer  
Academic Registrar  
Finance Manager

#### EFFECTIVENESS OF THIS POLICY

**Performance Indicators:** • The number of grievances

**Other** Nil

**Definitions and Acronyms:** *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)

ESOS Act 2000

Education Services for Overseas Students Act 2000

PRISMS

Provider Registration and International Student Management System

**APPROVAL – section maintained by the Director of Quality and Standards**

Reference No.	Approved	Date	Committee/Board	Resolution No. / Minute Ref.
B1/0807.2	Yes	9 August 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 September 2011	Academic Board	4.1
0415	Approved	30 April 2015	Academic Board	4.1
0718	Approved	12 July 2018	Academic Board	5.1