



COMPASSIONATE AND COMPELLING CIRCUMSTANCES GUIDELINE

Date first approved: 23 November 2018	Date of effect: 23 November 2018	Date last amended: (refer to Version Control Table) 27 July 2023	Date of Next Review: 27 July 2028
First Approved by:	Deputy Vice-Chancellor (Academic)		
Custodian title & e-mail address:	Director, Academic Quality and Standards Unit quality@uow.edu.au		
Author:	Academic Quality and Policy Specialist Academic Quality and Standards Unit (AQS)		
Responsible Division & Unit:	Academic Quality and Standards Division Deputy Vice-Chancellor (Strategy and Assurance)		
Supporting documents, procedures & forms:	Course Progress Policy Coursework Rules Fees Policy International Student Release Procedure Student Critical Incident Guideline		
Relevant Legislation & External Documents:	Higher Education Standards Framework Education Services for Overseas Students Act 2000 National Code of Practice for Providers of Education and Training to Overseas Students 2018		
Audience:	Public		

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1. Introduction

1. Compassionate or compelling circumstances are matters which are, beyond the student's control and have a direct impact on the student's course progress or wellbeing.
2. The University of Wollongong is required to fairly and consistently determine whether "compassionate or compelling" circumstances exist in the course of making a number of policy-based decisions that may have an impact on a student's studies.
3. The University's Coursework Rules allows students to apply for the below support measures if the student is able to provide documentary evidence (refer to Schedule 1) of compassionate and compelling circumstances. These measures include, but are not limited to:
 - a. Reduced study load (international students only);
 - b. Leave of absence (international students only);
 - c. Deferral of course commencement (international students only);
 - d. Transfer to another education provider within the first 6 months of study (international students only);
 - e. Late withdrawal (all students);
 - f. Fee Remission in special circumstances (refer to the University's Fees Policy).

2. Scope/Purpose

1. This guideline supports Heads of Students and other holders of delegated authority to make assessments as to whether a student's circumstances may be deemed to be compassionate or compelling and take this into consideration when making decisions under other UOW policies.
2. This guideline applies to both domestic and international students enrolled in a course of study offered by the University, regardless of delivery location with the exception of UOW Dubai.

3. Definitions

1. The definition of Compassionate or Compelling Circumstances is contained in the Coursework Rules

Word/Term	Definition
Domestic Student	An Australian or New Zealand citizen, Australian permanent resident, or holder of an Australian humanitarian visa. For students studying at offshore locations, a domestic student is a person who is a citizen or permanent resident of the country in which they are studying.
International Student	A student who is not an Australian or New Zealand citizen or the holder of a permanent resident status and is required to hold a visa to study in Australia and is liable for international student fees. For students studying at offshore locations, an international student is a person who is not a citizen or permanent resident of the country in which they are studying.



Registered Medical Practitioner	A medically qualified person registered with the Australian Health Practitioner Registration Agency (AHPRA) as a medical practitioner or psychologist to practice in Australia.
Authorised UOW Staff	Authorised UOW Staff: <ul style="list-style-type: none">a. Student Support Coordinatorsb. Counsellorsc. Student Support Coordinators, Team Leadd. Safe and Respectful Communities Coordinatore. Senior Manager, Student Mental Health and Wellbeingf. Senior Manager, Safe and Respectful Communities (SARC)

4. Compassionate or Compelling Circumstances

Compassionate or Compelling Circumstances for All Students

1. Circumstances considered to be “compassionate or compelling” for all students may include, but are not limited to:
 - a. medical illness, injury or condition to a student or a student’s immediate family member that requires hospitalisation and/or impairs a student’s ability to engage with their studies. This includes physical injury, illness, pregnancy, and episodes of mental illness or cognitive function impairment;
 - b. the bereavement of an immediate family member, close friend, partner or classmate;
 - c. an adverse experience that has impacted on the student’s physical or mental wellbeing, including but not limited to involvement in or witnessing a serious accident, being involved in a critical incident or being the victim of a crime, domestic violence or housing insecurity;
 - d. where the University was unable to offer a pre-requisite subject or unable to offer a full-time load of subjects;
 - e. instances where the student is unexpectedly required to care for a close family member;
 - f. employment-related circumstances (for example where a student’s employment status or arrangements have changed so that the student is unable to continue their studies, and this change is beyond the person’s control such as an employer-directed transfer of a student to a new location or redeployment to a different position). Applicable to domestic students only.

Compassionate or Compelling Circumstances for International Students Only

2. In addition to the circumstances outlined above, circumstances considered to be “compassionate or compelling” that may be applied only to international students include, but are not limited to:
 - a. major political upheaval or natural disaster in a student’s home country that has impacted on the student’s family, and that requires immediate emergency travel or consular support;
 - b. inability to begin a course of study on the agreed start date due to a delay in the student receiving an international student visa;



- c. circumstances where the students Electronic Confirmation Of Enrolment (ECO) may need to be extended as a result of the waiving of course progress requirements or failure to pass a subject as outlined in the Course Progress Policy;
- d. changes to family circumstances in the student's home country that have negatively impacted on a student's ability to pay tuition fees or reasonable personal living expenses.

Circumstances Not Considered to be Compassionate or Compelling

3. Circumstances that will not be considered "compassionate or compelling" may include, but are not limited to:
 - a. circumstances, whether personal, professional or relating to the student's studies, within the student's control, or which can reasonably be expected to occur in the normal course of the student's study, work, family or social life (e.g. minor illness or homesickness);
 - b. instances where the student's personal travel have made them unable to attend classes or submit assessment tasks as required by the subject outline;
 - c. a failure by the student to understand, or seek clarification on their obligations in relation to University policy, legislation, or obligations reasonably expected of a student of the University;
 - d. an increase in work obligations which is at the request of the individual student. These are not regarded as circumstances beyond a student's control.
 - e. for courses with a professional or work placement component, inability to obtain release from the student's regular paid employment to undertake or complete the placement.
 - f. where students' circumstances are significantly different to what was previously provided as part of the Genuine Temporary Entrant (GTE) assessment or admissions application, and the student is unable to provide documentary evidence to support the claim.
 - g. for international students, instances where the student's failure to enrol in the number of subjects required by the terms of their study visa without prior academic approval has resulted in their inability to complete their course within the time provided in the ECOE;
 - h. for international students, inability to pay tuition fees or living costs based on changes to their employment status while working in Australia. Students on an international student visa must not rely on the proceeds of paid employment to support their studies or living costs.

5. Making a claim for compassionate and compelling circumstances

1. UOW will consider any claim for compassionate and compelling circumstances as set out below.
2. Students may submit a claim for compassionate or compelling circumstances to support:
 - a. an application for a refund as set out in the University's Fees Policy; and/or
 - b. a submission in relation to why they are not meeting the course progress requirements as set in the Course Progress Policy; and /or
3. 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 Department of Home Affairs;



- b. any request to defer their studies in accordance with Standard 9 of the National Code and the University's Coursework Rules;
 - c. any request to change their study load within a study period;
 - d. any request to transfer to another registered provider under Standard 7 of the National Code and the University's International Student Release Procedure.
4. All such claims must be supported by the documentary evidence required in accordance with Schedule 1 of this Guideline.
 5. Students should refer to the relevant policy or procedure for any additional requirements needed to support their claim.

6. Roles & Responsibilities

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

Version Control and Change History

Version Control	Date Effective	Approved By	Amendment
1	23 November 2018	Deputy Vice-Chancellor Academic	New Guideline
2	26 March 2019	Chief Administrative Officer	Updates to align with Student Academic Consideration Policy
3	1 January 2020 (Approved 9 June 2020)	Deputy Vice-Chancellor (Education)	Administrative amendments to reflect the rescission of General Course Rules replaced by Coursework Rules.
4	27 July 2023	Deputy Vice-Chancellor (Strategy and Assurance)	Clarifies associated procedures and processes, minor amendments to allowable circumstances, evidence schedule introduced.



7. Schedule 1 – Documentary Evidence Requirements

Purpose

1. This Schedule provides guidance to students and staff regarding the documentary evidence required to substantiate a request based on compassionate or compelling circumstances.

Documentary Evidence Requirements

2. Any requests made by students, in respect of their rights under a policy or policies of the University, for which they are citing the existence of “compassionate or compelling” circumstances, may only be considered if that request is supported by the following documentation.
3. The list is not exhaustive and may include other information that supports the assertion that compassionate or compelling circumstances exist, as deemed appropriate by the member of staff assessing the claim.
4. Medical documentary evidence must indicate the following information:
 - a. the name of the student which matches the name on their UOW record;
 - b. the date the medical document was completed and signed;
 - c. the Australian Health Practitioner Regulation Agency (AHPRA) Registration Number (Medical Practitioner, Psychologist);
 - d. the start and end date for which the student’s circumstances are covered by the document, and which are consistent with the student’s request;
 - e. a statement from the treating doctor detailing how the circumstances have affected the student’s ability to study or attend classes, and recommendation for a reduced study load or break from study, and treatment plan; and
 - f. the relationship of the student where the document refers to family member/s.
5. Supporting evidence does not need to include specific details about the medical condition or compassionate circumstances, instead, it needs to confirm that these circumstances have significantly impacted the student’s ability to study.
6. Overseas medical certificates issued in a language other than English must be translated into English by the National Accreditation Authority for Translators and Interpreters (NAATI) or an overseas notary department with a common seal.

Eligible Circumstance	Documentary Evidence Requirements
Medical illness or injury	<p>A medical certificate or a psychological report from a AHPRA registered medical practitioner or psychologist that references the student’s inability to engage with their studies (and attend classes) and the timeframe for which the student experienced medical issues impacting their studies.</p> <p>Documentation provided by Authorised UOW Staff can be utilised as supporting documentation to documents provided by Medical Practitioner or psychologist.</p>



Loss or bereavement	<p>Death certificate, death notice or funeral pamphlet and evidence of the relationship between the student and family member in question.</p> <p>Evidence of the relationship may take the form of statements from independent, non-family members who were aware of the relationship. Where a student is unable to submit a death certificate, other evidence such as a notice of death from a newspaper or other such evidence may be acceptable.</p> <p>International students may submit statutory declarations where they are unable to obtain evidence from their home country.</p>
An adverse experience (witnessing a serious accident or being the victim of a crime, domestic violence or housing insecurity)	<p>Emergency Services report outlining the nature of the incident involving the student, or to which the student was a witness.</p> <p>Report from Authorised UOW Staff that includes verification of an adverse experience that has impacted on their ability to engage with their studies and the timeframe for which the adverse experience has impacted them.</p>
Unexpected carers duties for a close family member of whom the student is the primary carer	A NSW <u>Statutory Declaration</u> (for onshore students who are unable to obtain independent supporting documentation) signed in front of a <u>Justice of the Peace</u> or <u>an authorised witness</u> .
Major political upheaval or natural disaster in a student's home country	A NSW <u>Statutory Declaration</u> (for onshore students who are unable to obtain independent supporting documentation) signed in front of a <u>Justice of the Peace</u> or <u>an authorised witness</u> .
Delays in student visa processing	Correspondence from the relevant Australian Government Department relating to the delay in processing the student visa.
Changes to family circumstances in the student's home country	A NSW <u>Statutory Declaration</u> (for onshore students who are unable to obtain independent supporting documentation) signed in front of a <u>Justice of the Peace</u> or <u>an authorised witness</u> .
Employment-related circumstances (domestic students only)	A letter from an employer on company letterhead attesting to the change of circumstances which is employer directed.
Other	<ul style="list-style-type: none">• Evidence of the reason why the student was unable to attend classes or assessments considered integral to the assurance of learning for a subject.• Jury notice letter from a relevant authority, where the circumstances are related to jury duty.• Letter from the armed forces on official letterhead, where the circumstances are related to reasonable adjustments for a Reserve member who is rendering defence service.



	<ul style="list-style-type: none">• Selection confirmation on the letterhead of the state, national or international sporting body, where the circumstances relate to sporting commitments.• Letter from a minister of religion (or the like) on an official letterhead, where the circumstances relate to religious obligations.• Letter from an official cultural authority on an official letterhead, where the circumstances relate to cultural obligations.
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7. In certain circumstances, a student may not be required or able to submit evidence. However, the existence of “compassionate or compelling” circumstances may be inferred through the following:
- a. known facts, media reports or other information relating to political upheaval, natural disasters or other circumstances, and the potential impact on the student based on their personal information (as submitted to the University through the application process) or statutory declarations made by the student in support of their claim;
 - b. known issues with specific cohorts of students that are outside of the cohort’s control, may not be documented, but that the University is morally obliged to address.

Verification of Documentary Evidence

8. Once submitted, documentary evidence may be verified by Student Services.
9. The submission of fraudulent documentation will be regarded as serious misconduct and will be managed in accordance with the Student Conduct Rules and associated procedures. The matter may also be referred to the State or Federal Police.