

# Compassionate and Compelling Circumstances Guidelines

Guideline Category	Student Services		
Document Owner	Registrar		
Responsible Officer	Registrar		
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References and Legislation	National Code of Practice of Education and Training to Overseas Students 2018; Education Services for Overseas Students Act 2000; Higher Education Standards Framework		
Related Documents	Student Handbook; Student Code of Conduct; Student Selection and Admissions Policy and Procedure; Assessment and Moderation Policy; Student Progression Policy; International Student Deferment, Suspension and Cancellation of Study Policy and Procedure; Enrolment Rules; International Student Transfer Between Registered Providers Policy; Refund Policy; Student Fees Policy;		
<b>Version</b>	<b>Change Description</b>	<b>Approved</b>	<b>Effective Date</b>
1.0	New Guidelines	CEO	25 March 2020
1.1	Minor changes to the job titles and extension of review date	CEO 11 July 2023	11 July 2023

## 1. Purpose

This guideline outlines what HELI considers to be compassionate and compelling circumstances. It identifies for students and staff the circumstances in which a student can claim compassionate and compelling circumstances will be considered by HELI and, specifies for students the evidence required to support a claim of compassionate and compelling circumstances. The guidelines are indicative only and HELI will use professional judgement to assess each case on its merits.

## 2. Scope

This guideline applies to all current students of postgraduate courses at HELI and all decisions regarding claims of compassionate or compelling circumstances. This document should be read in conjunction with other related policies (see Related Documents).

## 3. Definitions

Item	Definition
AHPRA	Australian Health Practitioner Regulation Agency.
International student	A student required to hold a student visa for study in Australia. Also Known as an Overseas Student.
Registered Medical Practitioner	A person registered with AHPRA as a medical practitioner that is permitted to practice in Australia or overseas equivalent.
Registered Psychologist	A person registered with AHPRA as a psychologist that is permitted to practise in Australia or overseas equivalent.

## 4. Principles

All students have equal opportunity to make an application claiming compassionate and compelling circumstances should the circumstances outlined in this guideline apply to their situation. The guidelines are to be implemented in a fair and equitable way for all students, ensuring that all decisions made regarding claims of compassionate and compelling circumstances are dealt with in a professional, just and reasonable manner.

## 5. Compassionate or Compelling Circumstances

In general, compassionate and compelling circumstances are circumstances beyond the student's control that have an impact on the progress of the student through their course or on the wellbeing of the student. The circumstances must occur after a student has accepted an offer to study at HELI. Any compassionate or compelling circumstances that predate the acceptance of the offer must be declared by the student to relevant HELI staff during the application stage, and before any offer is accepted.

Compassionate and compelling circumstances are circumstances that include but are not limited to:

- Illness or injury, including mental health issues, that are of a serious nature.
- Death or serious illness of a close family member such as a sibling, parent or grandparent.
- Major political upheaval, natural disaster or other event considered serious by HELI in the international student's home country which requires emergency travel and seriously affects the student's study.
- A traumatic experience that has negatively impacted the student's physical or mental wellbeing, such as where a student is the victim of, or witness to, a crime or serious accident.
- Misadventure, through no fault of their own, such as a major traffic incident or public transport issue; that prevents a student from participating in a learning or assessable activity.
- Delayed approval of a student visa for an international student.
- Cancellation of a student visa for reasons other than breaching the student visa conditions.
- Provider unable to offer a pre-requisite unit.
- Poor academic record or poor performance in specific areas of study.
- Other circumstance that HELI considers to be compassionate or compelling are at the discretion of the Registrar or the Registrars delegate.

## 6. Circumstances Not Considered Compassionate or Compelling

Circumstances that are within the student's control or which are considered to have no significant impact upon the student's ability to successfully progress through their course will not be considered compassionate or compelling.

Circumstances not considered compassionate or compelling include, but are not limited to:

- Failure of a student to understand and/or seek clarification of HELI policy, rules, guidelines or requirements, for example, examination timetables, class timetables, assessment requirements.
- Circumstances within a student's control that can be reasonably expected to occur.
- Non-serious illnesses or medical conditions, for example, stress related to normal study requirements.
- Ongoing medical conditions or other compassionate or compelling circumstances that were not declared during the student's application and before acceptance of the offer.
- Conflicts in scheduling which are not due to unexpected or serious events, and which the student can take reasonable actions to avoid, for example, work schedule clashing with examinations.
- Misadventure that could have been avoided through the reasonable actions of the student, for example, missed examination due to not checking the examination timetable.

- Students travel that does not allow reasonable additional time to account for possible incidents.
- For international students, the inability to pay tuition fees or living costs based on changes to their employment in Australia.

## **7. Claiming Compassionate or Compelling Circumstances**

Students may claim compassionate and compelling circumstances as part of an application under the relevant HELI Policy or regulations, such as an application for leave of absence for an international student. Details regarding the requirements for specific application requirements can be found under the relevant HELI policy or regulation. HELI policies and regulations can be accessed on the HELI website under Policies and Forms.

Appropriate evidence and supporting documentation are required when making a claim for compassionate and compelling circumstances. These documents will be kept by HELI as a record of the evidence provided. The evidence or documents can include, but is not limited to:

- Police or hospital Report.
- Medical Certificates provided by a health professional as defined in Section 3.
- Mental health report by a registered psychologist or equivalent if the student is offshore.
- Death certificate in English or translated by a NAATI accredited translator.
- Statutory declarations or official letters at the discretion of HELI.
- Media reports and government statements.
- Any other documentation requested by HELI staff that they consider reasonable evidence to support the claim.

Students may also be required to attend a formal interview. A student will be notified of any supporting documentation that may be required before the meeting. The meeting will be scheduled within ten working days of the application being received. If the student requires additional time to gather the requisite evidence and documentation, staff may reasonably extend the application at their discretion.

## **8. Appealing a Rejected Claim of Compassionate or Compelling Circumstances**

If an application that a student has submitted, which claims compassionate and compelling circumstances, is rejected by HELI; the student may appeal this decision in accordance with HELI's Student Grievance Handling Policy and Procedure or Assessment and Moderation Policy as required. HELI policies can be accessed on the HELI website under Policies and Forms.