

# LEAVE, SUSPENSION AND CANCELLATION POLICY

Version:	Approved by:	Approval Date:	Effective Date:	Next Review:											
8	Academic Board	23 November 2023	23 November 2023	23 November 2026											
Policy Custodian:	Administration Manager	Document No:	UOWC-ADM-POL-122												
Purpose:	<p>This Policy operationalises UOW College Australia's obligations under the <i>National Code of Practice for Providers of Education and Training to Overseas Students 2018</i> as it relates to:</p> <ol style="list-style-type: none"> <li>1. Student-initiated requests to seek a Leave of Absence from studies; and</li> <li>2. Circumstances in which UOWCA may suspend or cancel a Student's enrolment.</li> </ol>														
Scope:	<table border="1"> <tr> <td>UOWGE</td> <td></td> <td>UOWCA</td> <td>✓</td> <td>UOWD</td> <td></td> <td>UOWCHK</td> <td></td> <td>UOWMKDU</td> <td></td> </tr> </table>	UOWGE		UOWCA	✓	UOWD		UOWCHK		UOWMKDU		This Policy applies to all UOWCA Students, both domestic and international.			
UOWGE		UOWCA	✓	UOWD		UOWCHK		UOWMKDU							
Related Documents:	<p>Academic Delegations of Authority Policy - Australia</p> <p>Academic Integrity and Student Conduct Policy</p> <p>Admissions Policy</p> <p>Attendance Policy</p> <p>Course Progression Policy</p> <p>Fees and Refund Policy</p> <p>Student Grievance and Appeals Policy</p>														
References and Legislation:	<p><i>Education Services for Overseas Students Act 2000 (Cth) (ESOS Act)</i></p> <p><i>National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018)</i></p>														



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## 1. Definitions

Word/Term/Acronym:	Definition:
Access Plan	Alternative arrangements are developed with the Student Accessibility and Inclusion Team and are made to ensure that Students with a disability and Students who are associates of persons with a disability are able to undertake their study and complete their course requirements without disadvantage.
Approved Period of Leave	A short period of approved leave within a current study period from UOWCA.
Cancellation	To remove a Student from all enrolment in subjects and sessions. A Student with a status whose enrolment is cancelled is not an active Student of UOWCA.
Delegated Authority	A designated role in an organisation that has been authorised by the relevant Delegations of Authority instrument to perform specific functions or make certain decisions.
Inherent Requirements	The abilities, knowledge and skills needed to complete a Course that must be met by all students. Students with a disability or chronic health condition may be able to have alternative arrangements made to enable them to meet these requirements provided the alternative arrangements do not fundamentally change the nature of the inherent requirement. Alternative arrangements are developed as Access plans with the Student Accessibility and Inclusion Team.
Leave of Absence	A period of leave from UOWCA for a current or future study period for up to one (1) year.
Staff	Any person engaged or appointed by UOWCA to perform work whether on a full-time, part-time, or casual basis. This includes all employees, contractors, and agents.
Student	Any person who is enrolled in any course or program on offer at, or in conjunction with, UOWCA.
Study Period	<b>For Academic and Vocational Programs:</b> The Study Period is defined as a session. <b>For ELICOS Programs:</b> The Study Period is defined as a 6-week cycle.



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Suspension	A penalty imposed by UOWCA where a Student is prevented from enrolling for a defined period. The Student will be re-admitted automatically at the conclusion of the period of Suspension.
UOWCA	UOW College Australia.

## 2. Principles

- 2.1. This Policy should be interpreted in line with UOWCA's commitment to:
1. Equity and fairness;
  2. Equal benefits and opportunities;
  3. Transparency; and
  4. Natural justice.

## 3. Leave of Absence and Approved Period of Leave

- 3.1. A Student enrolled in a UOWCA course may apply for an Approved Period of Leave within a current Study Period.
- 3.2. A Student enrolled in a UOWCA course who has completed more than one (1) Study Period of their course may apply for a Leave of Absence of up to one (1) year.
- 3.3. Student-initiated Leave of Absence and Approved Period Of Leave requests will only be granted where compassionate and compelling circumstances are present. Refer to Section 4 of this Policy.
- 3.4. Leave of Absence and Approved Period of Leave requests must be in the form prescribed by UOWCA and accompanied by evidence demonstrating compassionate and compelling circumstances.
- 3.5. UOWCA will notify Students of the outcome in writing within ten (10) working days of receiving the request.
- 3.6. Where an application for a Leave of Absence or Approved Period of Leave has been rejected, Students are required to commence or continue their studies as scheduled. Failure to do so may lead to disciplinary action.

## 4. Compassionate and Compelling Circumstances

- 4.1. Compassionate and compelling circumstances are those which:
1. Were beyond the Student's control, which a reasonable person would consider not due to the Student's action or inaction, either direct or indirect, and for which the Student was not responsible. The circumstances must be unusual, uncommon, or abnormal; and
  2. Did not make their full impact on the Student until on, or after their offer was accepted or studies commenced; and
  3. Mean that it is impracticable for the Student to commence or complete their studies; and
  4. Have an impact on the Student's course progress or wellbeing.
- 4.2. Compassionate and compelling circumstances may include, but are not limited to:
1. Serious illness or injury;
  2. Bereavement of a close family member;

3. Major political upheaval or natural disaster requiring emergency travel or immediate action; or
  4. A traumatic experience, such as involvement in or witnessing a serious accident, or witnessing or being the victim of a serious crime.
- 4.3. Requests on the grounds of compassionate and compelling circumstances must be supported by documentary evidence.

## 5. Suspension or Cancellation of Enrolment

- 5.1. In accordance with the relevant UOWCA Policy, UOWCA may initiate Suspension or Cancellation of a Student's enrolment on grounds including:
1. Misbehaviour or misconduct by the Student;
  2. The Student's failure to pay an amount the Student was required to pay to undertake or continue the course as stated in the written agreement;
  3. Where a Student is deemed to have Unsatisfactory Course Progress and is placed on Exclusion status or is deemed to be a Non-Genuine Student as per the *Course Progression Policy*;
  4. A breach of attendance requirements;
  5. Failure by a Student who is under the age of eighteen (18) to abide by approved welfare and accommodation arrangements;
  6. A Student does not return after an approved Leave of Absence; or
  7. A Student no longer meets the Inherent Requirements of the Course.
- 5.2. Where UOWCA has made a decision to suspend or cancel the enrolment of a Student, UOWCA will:
1. Inform the Student of their intention to suspend or cancel their enrolment and the reasons for doing so in writing within ten (10) working days of the decision being made; and
  2. Advise the Student of their right to appeal in accordance with the UOWCA's *Student Grievance and Appeals Policy* and *Student Grievance and Appeals Procedure*.
- 5.3. UOWCA will also proceed to cancel a Student's enrolment where the Delegated Authority has approved a Student-initiated request to cease (withdraw from) studies, in accordance with the *Student Course and Subject Variation Request Procedure* which applies in these instances.

## 6. Student Visa Implications

- 6.1. Where UOWCA suspends or cancels an international Student's enrolment or a Student is granted a Leave of Absence or an Approved Period of Leave, UOWCA will also:
1. Advise the Student that there may be a potential impact on their Student visa;

2. Inform Students of the need to seek advice from the Australian Immigration Department on the potential impact on their Student visa (UOWCA is not able to provide Immigration advice); and
  3. Report the change to the international Student's enrolment to the Australian Education Department via the method prescribed by Section 19 of the ESOS Act.
- 6.2. Where an international Student's enrolment is suspended or where a Leave of Absence or Approved Period of Leave has been granted, the period of leave or Suspension of enrolment will not be included in any attendance monitoring calculations.

## 7. Appeal Rights

- 7.1. Students may appeal a decision by UOWCA to:
  1. Suspend studies; or
  2. Cancel enrolment.
- 7.2. Student appeals will be managed in accordance with UOWCA's *Student Grievance and Appeals Policy* and *Student Grievance and Appeals Procedure*.
- 7.3. Information about accessing the appeal mechanism must be provided to Students when they are notified of UOWCA's decision to suspend or cancel their enrolment.
- 7.4. Where a Student has appealed a decision to suspend or cancel their enrolment, UOWCA will not commence the Suspension or Cancellation until the internal appeals process is completed, unless there is a likely risk to the Student's health or wellbeing or the wellbeing of other UOWCA Students or Staff.
- 7.5. In cases of course progress and attendance breaches, UOWCA will not commence Suspension or Cancellation action until both internal and external handling and appeals processes are complete.

## 8. Roles and Responsibilities

Officer:	Responsibility:
Academic Board	Approval of Policy.
Administration Manager	Policy owner and responsible for ensuring this Policy adheres to <i>National Code of Practice for Providers of Education and Training to Overseas Students 2018</i> .
Admissions Officer	Report Cancellations and Students to the Australian Immigration Department via PRISMS.



Deputy General Manager	Approves Cancellations as per this Policy and <i>Academic Delegations of Authority Policy- Australia</i> .
Reporting and Quality Officer	Notifies Students of the intention to cancel or suspend enrolment, acknowledge lodgement of appeals and process approved release requests in PRISMS.
Student Advisor	Advocate on behalf of Students, assists and advises Students through the Cancellation, and Student process.

## 9. Change History

Version	Approved By	Date Effective	Amendment
1	WCA Academic Board	16/11/2007	New Policy
2	Ian Tobin	21/02/2011	Migrated to new template, Conditions for Cancellation of enrolment updated to be consistent with changes to other policies references to academic delegations added
3	ITC Quality Manager	20/06/2011	Updated for name change
4	UOWCA Academic Board	11/06/2015	Replacement of reference to Campus Director with that of General Manager Replacement of ITC Delegations of Authority with UOWGE Delegations of Authority Insertion of 7.1f and 7.5, Definitions added
5	Compliance Manager	21/07/2016	Minor Change only – College branding and document formatting updated.





6	Academic Board	22/03/2018	Substantive Review- document restricted for clarity, definitions aligned with UOW, processes clarified.
7	Academic Board	01/12/2022	Update to new template, add roles and responsibilities
8	UOWC Academic Board	23/11/2023	Substantive Review included: <ul style="list-style-type: none"><li>- Policy name change;</li><li>- Deferment component removed from this Policy and migrated into Admissions Policy;</li><li>- Compassionate and Compelling circumstances added;</li><li>- Inherent Requirements added to Clause 5.1.7;</li><li>- Delegated Authority Definition added;</li><li>- Approved Period of Absence updated to Approved Period of Leave;</li><li>- Minor updates to Purpose, related documents, formatting, and numbering.</li></ul>