

Leave of Absence Policy

1. Purpose

This policy provides guidance to domestic and overseas students on the eligibility, requirements, procedure and duration of an approved leave of absence. This policy complies with the requirements of the Higher Education Support Act 2003 (HESA), the Education Services for Overseas Students Act 2000 (ESOS Act 2000) and the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007 (the National Code 2007), specifically Standard 13.

2. Scope

This policy applies to all domestic and overseas students who have commenced studies at MIBT. The Academic Director is responsible for the implementation of this policy.

3. Definitions

Key Term or Acronym	Definition
Census Date	A date for the submission of the <i>Request for FEE-HELP</i> assistance form and the date on which financial liability is incurred.
CoE	Confirmation of Enrolment. A document registered with DEEWR and DIAC to confirm an international student's acceptance into a course for a specified duration.
Course	A program of instruction.
DEEWR	Department of Education, Employment and Workplace Relations. The Australian Federal Government's administrative division for policy and program development on education, science, training and administration of the ESOS legislation.
DIAC	Department of Immigration and Citizenship. The Australian Federal Government's administrative division on all immigration and visa matters.
Domestic Student	Defined as an Australian or New Zealand citizen or holder of a permanent residency visa.
ESOS Act 2000	The Education Services for Overseas Students Act. This Act regulates the delivery of education services to international students.
FEE-HELP	Financial assistance program under which the Commonwealth Government provides eligible fee-paying domestic students with loans to cover all or part of their higher education tuition fee costs.
HESA	Higher Education Support Act 2003. Act relating to the funding of higher education.
Leave of Absence	A period that is not counted towards a student's formal studies. Applies to all students who have commenced their studies at

	MIBT.
National Code 2007	The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007. Nationally consistent standards and procedures for providers who deliver international educational services.
Overseas Student	Defined as a student who is not an Australian or New Zealand citizen or holder of a permanent residency visa.
PRISMS	Provider Registration and International Student Management System. A database developed jointly by DEEWR and DIAC for the purposes of administering the ESOS Act.

Trimester	A defined and formal period of study of 13 weeks. MIBT runs three formal trimesters annually.
Unit	A component of study within a course. Also referred to as a subject

4. Policy Statement

4.1 Eligibility: Overseas Students

- 4.1.1 Under the requirements of the National Code 2007, overseas students are permitted leave of absence in certain limited circumstances. A leave of absence may affect a student's visa as section 19 of the ESOS Act 2000 requires that a provider notifies the Secretary of the Department of Education, Employment and Workplace Relations (DEEWR) of this event. This action will also inform the Department of Immigration and Citizenship (DIAC).
- 4.1.2 Overseas students will only be granted leave of absence for compassionate or compelling circumstances. Compassionate or compelling circumstances are generally those beyond the control of the student and have an impact upon the student's course progress or wellbeing. These could include, but are not limited to:
- Serious illness or injury, where a medical certificate states that the student was unable to attend classes;
 - Bereavement of close family members such as parents or grandparents;
 - Major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the student's studies; or
 - A traumatic experience such as involvement in, or witnessing of a serious accident or, being the victim of a serious crime.
- 4.1.3 All claims of compassionate or compelling circumstances must be supported by appropriate evidence such as original or a certified copy of a death certificate, medical and psychological certificates, or police reports.
- 4.1.4 To be eligible for leave of absence, students must have undertaken at least one trimester and be meeting satisfactory course progress, in accordance with the *Satisfactory Course Progress* policy.
- 4.1.5 Students under the age of 18 years must provide a letter from their parent or legal guardian supporting the application for leave of absence.

4.2 Eligibility: Domestic Students

Domestic students are not affected by visa constraints hence no circumstances are stipulated for leave of absence. To be eligible for leave of absence, students must have undertaken at least one trimester and be meeting satisfactory course progress, in accordance with the *Satisfactory Course Progress* policy.

4.3 Duration

For domestic and overseas students, leave of absence will only be granted for one full trimester. An extension of one further trimester may be granted at the discretion of the Academic Director where exceptional circumstances can be demonstrated. Each application will be considered on its merits. Students are required to reapply for leave of absence at least one month prior to the commencement of the second trimester. Appropriate evidence must be provided.

4.4 Requirements for Overseas Students

Overseas students must support their application with evidence of compassionate or compelling circumstances as per 4.1 of this policy. Overseas students are not permitted to remain in Australia for the duration of their approved leave of absence. Departure from Australia must be within twenty eight (28) days from the date of approval of the leave of absence. Return to Australia must be no earlier than twenty eight (28) days prior to the commencement of the next trimester.

Overseas students are advised to seek advice from DIAC on how the potential change to their enrolment status may impact upon their visa. Students who are granted leave of absence are also advised to check with the Australian Embassy in their home country prior to their return to Australia to ascertain the status of their student visa.

4.5 Return from Leave of Absence

Domestic and overseas students will be required to re-enrol for the commencement of the following trimester. Overseas students will be issued with a new confirmation of enrolment (CoE) once they have enrolled in the following trimester.

Any student who has not re-enrolled or who has extended their leave of absence without the permission of MIBT will be deemed to have discontinued their studies and will be cancelled by MIBT. For overseas students, this will affect their student visa as MIBT will notify the Secretary of DEEWR as per section 19 of the ESOS Act 2000. This action will also alert DIAC.

4.6 Fees

4.6.1 Both overseas and domestic full fee paying students applying for leave of absence within the first four weeks of the commencement of the trimester will have their fees transferred to the subsequent trimester. If the student subsequently withdraws, the MIBT Refund policy applies from the date MIBT received advice in writing regarding the leave of absence.

Overseas and domestic full fee paying students applying for leave of absence from the fifth week of the semester will have all tuition fees applicable to that semester forfeited.

4.6.2 Domestic students on FEE-HELP must withdraw from their units on or before the census date to avoid incurring a FEE-HELP debt.

Under subdivision 104-30 of the Higher Education Support Act 2003 (HESA), the FEE-HELP debt may be re-credited after the census date only in circumstances which:

- Were beyond the student's control;
- Did not make their full impact until on or after the census date; and
- Were such that they made it impracticable for the student to complete their unit(s) or study requirements

All claims of special circumstances must be supported by appropriate evidence such original or a certified copy of a death certificate, medical and psychological certificates, or police reports.

4.7 Right of Review

Students have the right of review of an unsuccessful application in accordance with the MIBT policy Grievance Procedures Relating to Academic Matters. Appeals should be addressed to the MIBT Appeals Committee.

4.8 Related Documents

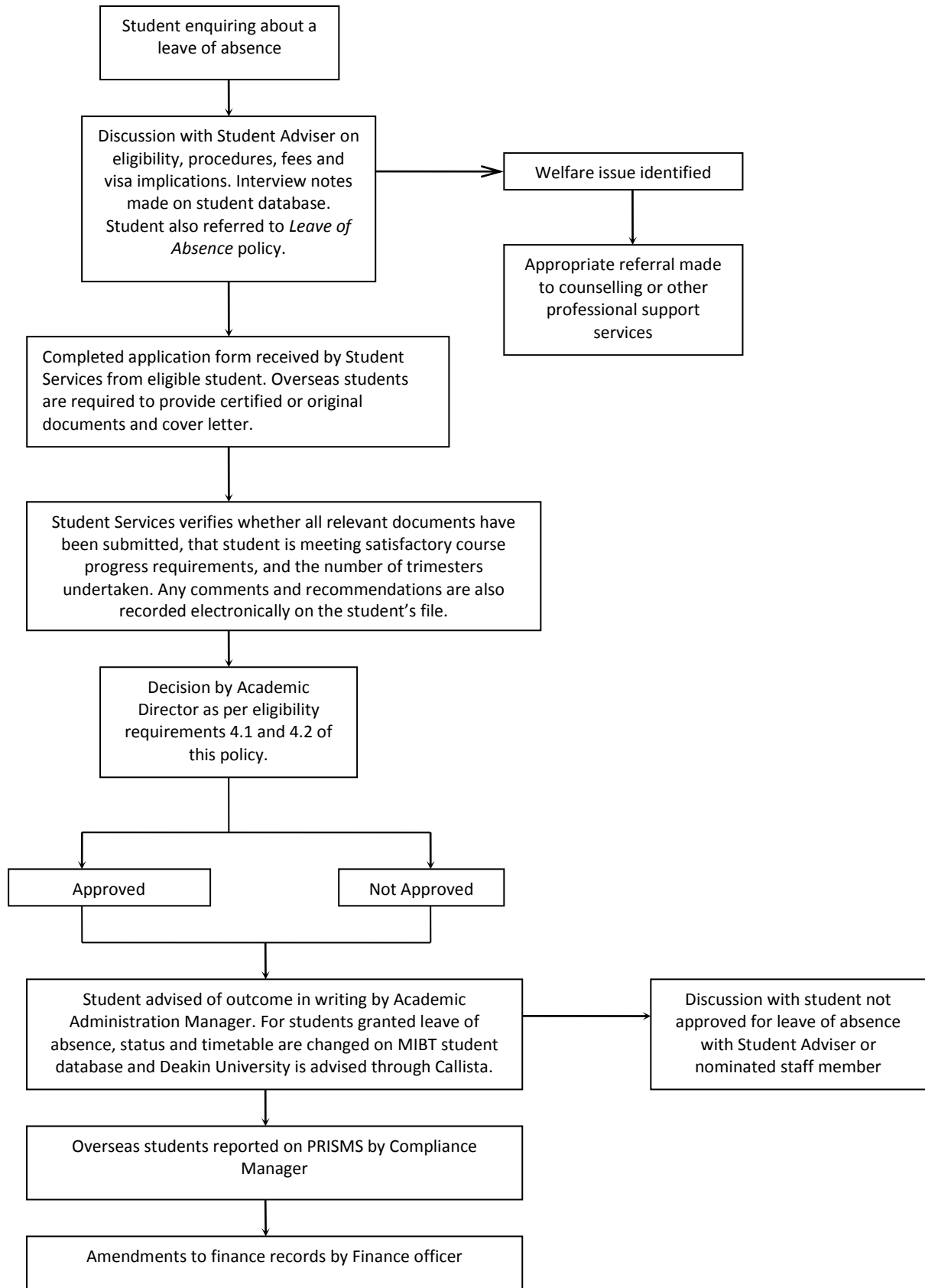
Leave of Absence Application form.

5. Supporting Procedures

This section contains procedural information on the application and processing of a leave of absence.

Steps	Notes
1. Student enquiring about leave of absence.	<ul style="list-style-type: none"> ▪ Discussion with Student Adviser or nominated staff member on eligibility (as per 4.1 and 4.2 of this policy), procedures, fees and visa implications (for overseas students). ▪ Students given <i>Leave of Absence Application</i> form and the <i>Leave of Absence</i> policy. ▪ Overseas students are also referred to the DIAC website (www.immi.gov.au) or helpline (131 881) for advice on how the potential change to enrolment status may impact on the student's visa. ▪ Any welfare issues are identified and appropriate referral is made to a counsellor or other professional support service. ▪ The date and notes of the interview are recorded electronically on the student's file.
2. Student eligible for a leave of absence submits application form.	<ul style="list-style-type: none"> ▪ Overseas students must enclose with their signed application a cover letter and original or certified copies of supporting documents demonstrating eligibility as per 4.1 of this policy. ▪ Student Adviser checks whether all relevant documents have been submitted, that student is meeting satisfactory course progress requirements. Student Adviser makes any recommendations. ▪ Application form is forwarded to Academic Director for outcome.
3. Application for leave of absence considered by Academic Director.	<ul style="list-style-type: none"> ▪ Eligibility confirmed as per 4.1 and 4.2 of this policy. Outcome determined and recorded on the <i>Leave of Absence Application</i> form. Reasons for non-approval are recorded.
4. Application forwarded to the Academic Administration Manager.	<ul style="list-style-type: none"> ▪ Student is advised in writing of the outcome of their application. Reasons for non-approval are stated. ▪ For students with approved leave of absence, status is changed on the MIBT student database from 'C' or 'H' to 'L'. If student has enrolled for

Steps	Notes
	the trimester, the timetable is amended.
5. For overseas students, leave of absence is reported through PRISMS.	<ul style="list-style-type: none"> ▪ Actioned by Compliance Manager.
6. Leave of Absence Application form forwarded to Finance Department for amendment of financial records.	<ul style="list-style-type: none"> ▪ Finance Officer processes financial records as per 4.6 of this policy and in accordance with the MIBT Refund policy.
7. Letter sent to all students on leave of absence by Academic Administration Manager.	<ul style="list-style-type: none"> ▪ Letter issued in week 11 of the trimester giving information on timeframes and enrolment requirements for the next trimester. Overseas students are referral to the Australian Embassy in their home country to ascertain the status of their student visa. ▪ Students are also advised in writing of the consequences of not re-enrolling in the next trimester.
8. Report generated by the Academic Administration Manager of students who did not re-enrol after the close of enrolments in the subsequent trimester.	<ul style="list-style-type: none"> ▪ Enrolment at MIBT cancelled; status changed to 'W'.
9. Report forwarded to the Compliance Manager.	<ul style="list-style-type: none"> ▪ Overseas students are reported through PRISMS.
10. Overseas students who have returned from leave of absence are issued with a new CoE.	<ul style="list-style-type: none"> ▪ Action by Timetabling Officer.



Policy Title	Leave of Absence Policy	
Policy Owners	Compliance Manager	
Contact Persons	Stase Kaintatsis	
Key Stakeholders	All Students at MIBT; Student Services; Academic Services	
Approval Body	MIBT Academic Board of Studies	Agenda item and meeting date approved 4.3; 21 April 2009
Relevant Legislation	ESOS Act 2000; National Code 2007 (Standard 13); Higher Education Support Act 2003 (HESA)	
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