

### CET Student Attendance and Suspension Process 2020

#### Section 1 – Governing policies

The Centre for English Teaching recommends that all persons reading this document refer to the following documents, and any other relevant policies of the University of Sydney, and the Education Services for Overseas Students Act 2000 (ESOS Act) National Code of Practice for Providers of Education and Training to Overseas Students 2018 (The National Code 2018):

1. The National Code 2018 Standard 8: “Overseas student visa requirements”
2. The National Code 2018 Standard 9: “Deferring, suspending or cancelling the overseas student’s enrolment”
3. The University of Sydney “Under 18 International Students Policy 2016” at <http://sydney.edu.au/policies/showdoc.aspx?recnum=PDOC2016/420&RendNum=0>
4. The University of Sydney “Under 18 International Students Procedures 2016” at <http://sydney.edu.au/policies/showdoc.aspx?recnum=PDOC2016/421&RendNum=0>

#### Section 2 – Principles of the CET Student Attendance Process

- a. This process is a local provision that applies to all students of the University of Sydney Centre for English (“CET”) in respect of all actions and activities (including inaction or inactivity) relating to or impacting on the University of Sydney (“the University”) or its students and employees.
- b. The CET strongly recommends reading this document in conjunction with the statutes, rules, and resolutions of the University, and The Education Services for Overseas Students Act 2000 (ESOS Act) National Code 2018 as well as the relevant clauses of the Migration Act (1958) and related Regulations and Legislative Instruments.
- c. The provisions of this document apply to attendance of CET courses for students who hold a Student Visa. For visa information, see <https://immi.homeaffairs.gov.au>.
- d. Nothing in these provisions abrogates a person's right or the University's right to refer at any stage alleged absence, particularly unexplained absence of 5 days, to authorities external to the University of Sydney.
- e. CET will respond to any complaint or appeal the overseas student makes regarding his or her dealings with CET.
- f. CET will commence assessment of the complaint or appeal within 10 working days of it being made.
- g. CET will ensure the overseas student is given a written statement of the outcome of the internal appeal.
- h. CET will keep a written record of the complaint or appeal, including a statement of the outcome and the reasons for the outcome.

#### Section 3 - Definitions

For the purpose of these provisions:

1. Campus - means any property on which CET conducts its activities.
2. Satisfactory attendance - means a minimum of 80% attendance of CET courses, including educational activities, such as excursions, undertaken by the class in a given course.
3. DHA – Commonwealth Department of Home Affairs.

### Section 4 – Recording of Attendance

1. Each class teacher records the attendance of their students in his/her class on a class roll. The class teacher enters the data into the CET administration database on a weekly basis.
2. The database automatically calculates both attendance to date, and possible attendance (i.e. if the student now attends 100% until the end of the course).
3. The CET Admissions team is responsible for checking that attendance has been entered for the classes

### Section 5 – Warnings to the Student about Attendance

There is a notice about expected student attendance on the CET website and in classrooms. Attendance and any warnings sent to a student are documented on the class roll so the teacher can check with the student and ensure the contact details are correct. The CET informs students about the attendance procedure at Orientation, via the CET website and through notices in classrooms.

When a student's attendance falls to 90% to date, the CET's student management system automatically sends the student an email warning to their official University email address (if one exists), their personal email address (if the student has provided this to CET), and an SMS (if the student has provided a mobile telephone number to CET).

1. The trigger for the first warning is attendance to date of 90%, i.e. student has already used  $\frac{1}{2}$  of the available 20% allowance for illness, etc.
2. The trigger for the second warning is attendance to date of 85%, i.e. student has already used  $\frac{3}{4}$  of the available 20% allowance for illness, etc.
3. The trigger for the Notice of Intention to Report is attendance to date of <80% %, i.e. student has already used more than the available 20% allowance for illness, etc.

### Section 6 – Notice of Intention to Report and the Internal (CET) Appeal Process

The Notice of Intention to Report email explains to the student that s/he has 20 working days (not including the day the email is sent) to make any representations to CET, including a request for an Appeal Hearing.

Where it is not possible for the student to attend an Appeal Hearing, the Panel will consider any representations made by the student by email.

**The principles of procedural fairness, as laid out by the NSW Ombudsman, apply to the appeal process:**

[https://www.ombo.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0009/125784/Good-conduct-and-administrative-practice-guidelines-for-state-and-local-government.pdf](https://www.ombo.nsw.gov.au/__data/assets/pdf_file/0009/125784/Good-conduct-and-administrative-practice-guidelines-for-state-and-local-government.pdf)

The student can bring a support person to the Appeal Hearing, such as the CET Counsellor, another student, a relative, or a friend.

The Appeal Panel is normally comprised of:

1. one or more CET Deputy Directors;
2. one or more CET Education Managers;
3. the CET Enrolment Services Manager;
4. and shall comprise of at least one male member and one female member.

The Appeal Panel will make a decision either following an Appeal Hearing or, if there has been no hearing, at the end of 20 working days following the sending of the Notice of Intention to Report. The Appeal Panel decides whether to proceed to report the student, after having taken into consideration any representations made by the student either in person or by email. The decision is by majority vote of the Panel.

The Panel's decision will be based on the degree to which "compassionate and compelling circumstances" exist that account for the student's absences.

### ***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 could include, but are not limited to:*

- *serious illness or injury, where a medical certificate states that the overseas student was unable to attend classes*
- *bereavement of close family members such as parents or grandparents (where possible a death certificate should be provided)*
- *major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the overseas student's studies; or*
- *a traumatic experience, which could include:*
  - *involvement in, or witnessing of a serious accident; or*
  - *witnessing or being the victim of a serious crime, and this has impacted on the overseas student (these cases should be supported by police or psychologists' reports)*
- *childcare/maternity*
- *military service in your home country*

*Please note that reasons relating to finances or work (outside your studies) are not considered "compassionate or compelling".*

The Panel will use its professional judgement to assess each case on its individual merits.

The student must be strongly encouraged to attend class during the internal appeal period.

### **Section 7 –Supporting Evidence**

In order to support claims of compassionate or compelling circumstances with documentary evidence, students are asked to provide documents from the following list:

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Circumstances	Type of documents needed
Serious illness or injury	<ul style="list-style-type: none"> <li>• <u>Professional Practitioner’s Certificate (pdf, 320KB)</u> or a signed medical certificate with appropriate letterhead from a doctor stating that you are unable to attend classes.</li> </ul> <p>Medical certificates should:</p> <ul style="list-style-type: none"> <li>○ be issued within three months of the suspension start date</li> <li>○ have a clear duration of recommended time away from studies and</li> <li>○ should indicate that you will be impacted for a substantial period of the semester.</li> </ul>
Mental health issue	<ul style="list-style-type: none"> <li>• Report issued by psychologist with a clear treatment plan. Report should be less than three months old.</li> </ul>
Death of a close family member	<ul style="list-style-type: none"> <li>• Death certificate/medical certificate</li> <li>• Proof of relationship</li> </ul>
A traumatic experience	<ul style="list-style-type: none"> <li>• Police or psychologists' reports</li> </ul>
Childcare/maternity	<ul style="list-style-type: none"> <li>• Doctor's certificate or hospital statement with expected due date. Medical certificates should be issued within three months of the start date of the suspended period.</li> </ul>
Military service in your home country	<ul style="list-style-type: none"> <li>• Passport</li> <li>• Fomal conscription letter that is less than three months old, with translation</li> </ul>

During the internal appeal period, the Panel arranges for the veracity and authenticity of any student-supplied documents to be checked. If any of the documents are fraudulent, this constitutes misconduct and any eventual cancellation of the student’s enrolment with CET will be on the grounds of misconduct.

### Section 8 – External Appeals

In accordance with the requirements of the National Code 2018 Standard 10 (“Complaints and appeals”), CET advises the overseas student within 10 working days of their right to access an external appeals process and provides contact details, if the overseas student is not satisfied with the outcome of the internal complaints and appeals process.

The student is informed that they have 14 working days to provide evidence of an external appeal to the NSW Ombudsman following the decision of the CET Appeal Panel.

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The relevant CET Education Manager will strongly encourage the student to attend class during the external appeal period.

### Section 9 – Outcome of External Appeal

Following an external appeal to the Ombudsman, the CET Attendance Panel shall do one of the following:

1. if the student's appeal is upheld by the Ombudsman, follow the instructions of the Ombudsman in this matter;
2. if the student's appeal is not upheld by the Ombudsman; cancel the student's enrolment at CET, report the student to the DHA and to the Compliance Officer of the University.

In either case, the decision will be conveyed to the appellant/student in writing within 5 working days.

### Section 10 – Suspension/Time Away

The National Code Standard 9: "Deferring, suspending or cancelling the overseas student's enrolment."

A student may request that their enrolment in a CET course be suspended in order to have time away from a CET course due to "compassionate or compelling circumstances".

Please see Section 6, above, for examples of such circumstances. Supporting documents must be from the following list adapted for CET from <https://sydney.edu.au/students/suspend-studies.html>

Circumstances	Type of documents needed
Serious illness or injury	<ul style="list-style-type: none"><li>• <a href="#">Professional Practitioner's Certificate (pdf, 320KB)</a> or a signed medical certificate with appropriate letterhead from a doctor stating that you are unable to attend classes.</li></ul> <p>Medical certificates should:</p> <ul style="list-style-type: none"><li>○ be issued within three months of the suspension start date</li><li>○ have a clear duration of recommended time away from studies and</li><li>○ should indicate that you will be impacted for a substantial period of the CET course.</li></ul>
Mental health issue	<ul style="list-style-type: none"><li>• Report issued by psychologist with a clear treatment plan. Report should be less than three months old.</li></ul>
Death of a close family member	<ul style="list-style-type: none"><li>• Death certificate/medical certificate</li><li>• Proof of relationship</li></ul>

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A traumatic experience	<ul style="list-style-type: none"><li>• Police or psychologists' reports</li></ul>
Childcare/maternity	<ul style="list-style-type: none"><li>• Doctor's certificate or hospital statement with expected due date. Medical certificates should be issued within three months of the start date of the suspended period.</li></ul>
Military service in your home country	<ul style="list-style-type: none"><li>• Passport</li><li>• Fomal conscription letter that is less than three months old, with translation</li></ul>

**The student must address their request in writing to the** relevant Education Manager who makes a recommendation to the Deputy Director Teaching & Learning who makes a final decision on whether to grant time away and suspend the student's enrolment.

If it is not clear that the circumstances meet the compassionate and compelling requirement, other factors taken into account include the student's current attendance percentage, the student's course progress to date, and the urgency and/or importance of the reason for the request.

1. If the student's request is accepted, their time away is not counted against their attendance. To action this, the CET Deputy Director Teaching & Learning asks the CET Enrolment Services Manager to freeze the recording of the student's attendance for the agreed period of time away.
2. If the student's request is not accepted but the student is absent from class, their time away is counted against their attendance.

If accepted, depending on whether the time away request affects the student's end date, one of two reporting outcomes occurs:

1. The Enrolment Services Manager notifies the Department of Education through PRISMS that it is deferring or suspending a student's enrolment for a period without affecting the end date of the CoE. In this case there is no change to the CoE or the student's enrolment status on PRISMS i.e. the student's CoE status will still be listed as 'studying'. However, the notice of deferment or suspension will be recorded in PRISMS and sent on to the Department of Home Affairs (DHA). This information will be kept for future reference.
2. The Enrolment Services Manager notifies the Department of Education through PRISMS that it is deferring or suspending a student's enrolment for a period which will affect the end date of the CoE. In such situations, PRISMS will cancel the original CoE, and immediately offer the provider the opportunity to create a new CoE with a more appropriate end date. If the provider does not know when the student will return, it can choose not to create a new CoE at that point, but to wait until the student has notified the provider of the intended date of return before creating the new CoE.

### Section 11 – Missing from CET for five consecutive days

In order to meet the requirements of the National Code Standard 8 (“Overseas student visa requirements”), the following is the CET process for contacting and counselling students who have been absent for more than five consecutive days without approval.

1. If a CET student has been absent from class for three consecutive days, the teacher(s) of that class must inform the relevant Education Manager who will attempt to contact the student by phone and/or email. The Education Manager will encourage the student to make an appointment with the Counsellor if the absence does not have an apparent and reasonable cause.
2. If the student is absent for five consecutive days and there has not been a reasonable explanation from the student about their absence, the Education Manager escalates the issue to the Deputy Director Teaching & Learning who arranges for the student’s education agent and family to be contacted.
3. On the sixth consecutive days of absence if there has been no reasonable response from the student, the Deputy Director Teaching & Learning will contact the Police to report the student as a missing person.

In the case of students who are under 18 years of age, (see below) any unexplained absence of 1 or more days must be notified to the Deputy Director Teaching & Learning who will ensure the student and the person responsible in Australia for him/her are contacted as soon as possible.

### Section 12 – Students who are under 18 years of age.

1. The relevant Education Manager must investigate any unexplained absence of a student who is under 18 years of age.
2. A student’s parent or suitable nominated relative in Australia who is caring for them will receive any warning or Intention to Report emails sent to the student.
3. The CET Counsellor will proactively make appointments with under-18 students to meet regularly with them, generally fortnightly.
4. The parent or suitable nominated relative in Australia who is caring for the student will be invited to any appeal hearing relating to an Notice of Intention to Report.
5. If CET suspends or cancels the enrolment of an underage student, CET (this responsibility is delegated to the Counsellor) must continue to check the suitability of tuition & accommodation arrangements for that student until:
  - a) the student is accepted by another registered provider and that registered provider takes over responsibility for approving the student’s accommodation, support and general welfare arrangements
  - b) the student leaves Australia
  - c) other suitable arrangements are made that satisfy the Migration Regulations, or
  - d) the registered provider reports under National Code Standard 5 (“Younger Overseas Students”) that it can no longer approve of the arrangements for the student.

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Authorised by:	Ward Lee, Acting Director, Centre for English Teaching
Date determined:	14 <sup>th</sup> December 2018
Date effective:	14 <sup>th</sup> December 2018
Date of review:	14 <sup>th</sup> December 2020

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## **Appendix 1**

Update to the CET Student Attendance and Suspension Process due to Online Course Delivery during the COVID-19 Pandemic 2020

The following updates are in effect from 1<sup>st</sup> May 2020 until further notice.

### **Section 1 – Governing policies**

No change

### **Section 2 – Principles of the CET Student Attendance Process**

No change

### **Section 3 - Definitions**

Addition of:

“Online courses – online courses include 3 study components:

1. Attendance
  1. Students must undertake the online equivalent of attending class and remaining above 80% as per CET attendance policy and National Code 2018, Standard 8.
2. Progress
  1. Students must complete all Assessments to the prespecified standard as per CET Progress Policy and National Code 2018, Standard 8
3. Engagement
  1. Students must demonstrate at least 80% online course engagement by completing prespecified tasks before class in addition to attending classes for the duration of their online course.

“Online delivery - courses delivered online by a teacher using video conferencing technology together with a learning management system (LMS) or equivalent and other online technologies.



“Online attendance – virtual presence for course delivery via video-conferencing and/or evidence of engagement with online course tasks and activities that form part of course delivery”

#### **Section 4 – Recording of Attendance**

Addition of:

4. Online attendance is recorded via the appropriate means and methods for the online delivery technology used in the course

#### **Section 5 – Warnings to the Student about Attendance**

Addition of:

“For online attendance, these warnings will be in the form of emails or other electronic notifications in writing and might be sent on the same day due to the length of the course or other factors.”

#### **Section 6 – Notice of Intention to Report and the Internal (CET) Appeal Process**

Addition of:

For the duration of online delivery of CET courses, the student is been afforded the opportunity to provide reasons and evidence relating to their online attendance (and face-to-face attendance if this is relevant) either by:

1. Virtual Appeal Hearing (via teleconferencing) or
2. Emailing details of reasons and scanned copies of evidence to the CET Deputy Director Operations (or nominee).
  1. Members of the Appeal Panel may question the student further by email for elicitation, clarification or confirmation of information relevant to decision-making

#### **Section 7 –Supporting Evidence**

Addition of:

“Claims of compassionate and compelling circumstances due to the COVID-19 pandemic and its effects do not require specific evidence. However, in the absence of supporting evidence, the the reasons provided by the student for absences that relate to the pandemic will be considered by the Panel in the light of their consistency, likelihood, and relevance”

#### **Section 8 – External Appeals**

No change

#### **Section 9 – Outcome of External Appeal**

No change

### Section 10 – Suspension/Time Away

Addition of “COVID-19 pandemic” to the list of Circumstances with no requirement for needed documents.

### Section 11 – Missing from CET for five consecutive days

This section is not applicable to CET students who are undertaking an online CET course and are not physically present in Australia.

### Section 12 – Students who are under 18 years of age.

This section is not applicable to CET students who are undertaking an online CET course and are not physically present in Australia.

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### Appendix 1

Policy owner:	Ward Lee, CET Deputy Director, Centre for English Teaching
Authorised by:	Katherine Olston, CET Director, Centre for English Teaching
Date	1 <sup>st</sup> May 2020
determined:	1 <sup>st</sup> May 2020
Date effective:	1st May 2020
Date of review:	14 <sup>th</sup> December 2020
Amended:	6th February 2023
Date of review:	6th February 2024

## CET STUDENT ATTENDANCE WARNING AND APPEAL PROCESS



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**At any time, if you need advice or support, please go to Reception (5<sup>th</sup> Floor, Wentworth) to make an appointment to see a CET Student Counsellor.**

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- If we report you to the Department of Home Affairs (DHA), you may contact the DHA directly regarding your visa status or a Registered Migration Agent to assist with your case.
- We email your official University student email address (if you have one), your personal email address (if you have provided it to CET). In addition we send an SMS (if you have provided your mobile phone number to CET).