Leave of Absence Policy

Introduction

Leave of Absence is a period of time where a current registered student of the University is formally granted leave to be absent from their studies. This is a substantial period of time which renders the student unable to complete their current semester, year, or academic stage. This policy applies to all students who are studying full or part time with the University, and is inclusive of those students who study both on-campus and off-campus. Throughout this document, 'Programme Leader' also refers to Programme Managers for students studying at the University of Sunderland in London; and the member of Programme Support nominated to manage Leave of Absence also refers to the relevant administrative staff at the University of Sunderland in London for students studying there. Programme Leaders/Managers of very large programmes which have Level or Stage Leaders may, with their Dean's approval, nominate those Leaders to process appropriate Leave of Absence requests. In any such arrangement, the Leaders should report to the Programme Leader/Manager on decisions taken.

The Programme Leader/Manager should determine in each case if a requested period of leave is sufficiently substantial to be designated a Leave of Absence. The judgement should take into account the programme academic requirements and the student's individual circumstances. Shorter periods of time which are not likely to affect academic progression may be better managed through the Absence Management Policy (i.e. days/weeks compared to months).

The aim of a Leave of Absence should always be to support the student through a temporary interruption to study, to a supported return and a continuation to completion.

Examples of Reasons for Leave of Absence

- Medical: serious illness or injury.
- Bereavement or serious illness of close family relatives
- Traumatic experience
- Carer responsibilities
- Family responsibilities
- Financial

Purpose

A student who has been accepted into a programme of study is expected to remain in continuous enrolment/registration, either full-time or part-time, throughout their programme. Students who fail to enrol/register within fifteen working days of the start date of their programme will be considered to have withdrawn from the programme.

During their study a student may experience compelling personal circumstances such that the student wishes to suspend their studies and temporarily leave the University. In this case the student may apply for an approved period of extended leave. In some cases a Faculty Programme Assessment Board may require a student to take a Leave of Absence where that Board is satisfied, with consultation with appropriate staff in Wellbeing services and the Deputy Academic Registrar, Academic Registry that evidence exists that the student would not be fit to continue in study. In such cases this requirement must be counter-signed by the Dean of Faculty or a Deputy Dean/Head of School as his or her nominee, and must set out clearly what the University expects before a student can return to study. A student may appeal against this decision through the Academic Appeals Procedure.

This policy is intended to give guidance on the eligibility, requirements, the procedure and duration of an approved period of extended leave from studies, to better support the student's longer-term continuation and completion.

Eligibility

- The student must be registered with the University and have completed the first semester/term of their first year of study. A student who has not completed their first semester/term of their first year of study must formally withdraw from the University and reapply through the normal admissions process should they wish to resume their studies. Exceptions to this rule will only be made in exceptional and evidenced circumstances, where a request for an exception is endorsed by the Dean/Deputy Dean or Head of School (or the Head of the University of Sunderland in London/member of the Senior Management team acting as or on the Head's nomination for students studying there) and is approved by the Deputy Academic Registrar, Academic Registry. The member of Programme Support nominated to manage leave of absence is responsible for formally recording the student's withdrawal from the University.
- The student must apply for a Leave of Absence before the leave period commences. Formal approval should not be granted on a retrospective basis, and the leave of absence period will only start once it is formally approved. Absence that has occurred prior to a Leave of Absence being approved should be managed through the Absence Management Policy. Should a student take a substantial period of an unauthorised absence the Programme Leader/Manager should contact the student and advise the student that their absence could prevent them from successfully completing their studies and if their absence remains unauthorised that this will lead to the student being formally withdrawn from the University by means of the relevant provisions in the Absence Management Policy and the Academic Regulations.
- The student must demonstrate a firm intention to return with the approved period of leave stating clearly the expected start and return dates.
- The student must acknowledge that they are aware of financial consequences that can be attached to taking an extended period of leave with respect to the government student support regulations (Student Loans Company), University fees, accommodation charges, eligibility for University bursaries, and eligibility for state benefits e.g. Council Tax.

- An overseas student (student whose domicile is located outside the EU) must acknowledge that they are aware of the implications for their current visa where their eligibility to remain legally in the UK will be rescinded. The University's Interruption To Study (UKVI) Policy is included in this document as Appendix One.
- The student must acknowledge that they are aware there is the possibility that programme structures may change, modules may be withdrawn and staff may leave during their period of absence, and that it may not merely be possible, on their return, to resume a particular programme at the exact point of suspension with all existing options available.
- The student must sign a Return to Study form to acknowledge that they understand the process requirements to re-enter their programme without undertaking the admissions process and acknowledge they are aware of the consequences if they fail to return at the agreed date.
- Students who are in the later stages of the revocation cycle due to debt cannot subsequently request a leave of absence.

Process

- In the first instance the student must inform their Programme Leader/Manager by submission of a Leave of Absence form of their request to undertake a period of extended leave. Students should discuss their plan to take a leave period with their Programme Leader/Manager or personal tutor, who may be able to help them (or signpost them to services which will help them where appropriate) resolve issues and in some cases, where appropriate avoid taking the leave of absence.
- If the student is in their first semester/term of their studies the student should be informed that they must withdraw from the University and must follow the normal admissions process should they subsequently wish to resume their studies, a place is not guaranteed.
- The Programme Leader/Manager will be responsible for ensuring that the student submits a completed Leave of Absence form. This will include the reason for the extended leave of absence and the agreed start and end dates, and where appropriate provision of documentary evidence supporting the student's application.
- Before a Leave of Absence form is agreed by the student, the Programme Leader/Manager must direct the student to seek any advice and information that is appropriate for the student to understand the implications of taking a Leave of Absence. A student's submission of the Leave of Absence form is confirmation that this advice will be sought.
    - Overseas students must meet with the International Student Support Team to ensure that visa regulations are upheld. An overseas student must leave the UK within two weeks from the Leave of Absence start date and may not return until two weeks before the end of the Leave of Absence.
    - Taking a Leave of Absence can have an adverse financial effect. All students wishing to take a leave of absence should be strongly advised to seek financial advice from the University's Student Administration Team in Student Journey, Finance Department, the University's Student Financial Advice Service and, if appropriate, the University Accommodation Service to ensure the student is aware of:-
        - The relevant regulations on University fees, bursaries and any charges relating to university accommodation.

- The terms of government student support regulations. (i.e. Student Loan Company).
- Their eligibility for any beneficial financial support they may be entitled to and access to referral support to appropriate external agencies.

It is important that the student is aware of any financial implications attached to taking a leave of absence, both at/during the time of their leave and any consequences this may have for their return. There can be significant financial implications for students who change intakes, therefore it is essential that students who are in receipt of student loans seek support from the Student Financial Advice team before completing the leave of absence request form.

- Students seeking a Leave of Absence on any grounds which relate to wellbeing should be encouraged to discuss their case with the University's Wellbeing team, so that if required an action plan can be developed and appropriate referral support during the leave of absence and on return can be identified taking into account individual circumstances.

- Leave of Absence, including the duration, is formally approved at the discretion of the Programme Leader/Manager following consideration of the particular circumstances of the student.
- Subsequent to approval the member of Programme Support nominated to manage Leave of Absence is responsible for processing correctly the student record to reflect the student's Leave of Absence status including the agreed start and end dates, and for ensuring that a record is kept of the request and any associated evidence.

Duration

A Leave of Absence request should be approved for no more than one year which will allow a student to re-join their programme of study at a position appropriate to that at which they left. If a Leave of Absence is shorter than a year the Programme Leader/Manager must consider the appropriate timing of return given the programme/module structure.

If a student does not return at the agreed date or requires a further extension to their Leave of Absence beyond one year, the student should, after attempts are made to support the student in a return to study, be formally withdrawn from the University. A course may develop significantly over a period of time or be withdrawn, and the student's prior academic knowledge may no longer be current or relevant. Certain programmes may have maximum periods of registration shorter than those in the standard University regulations, and periods of Leave of Absence do count towards any defined maximum.

The member of Programme Support nominated to manage Leave of Absence records should contact Wellbeing six months into any yearlong leave of absence with details of students who have taken Leave of Absence on wellbeing grounds of any kind. The Wellbeing team will then make supportive contact with those students, and see if any further support to return at the end of the year is needed

Return to Study

The member of Programme Support nominated to manage Leave of Absence records must contact the student in good time (i.e. 6 weeks) before his/her return to study to re-establish the

student's intention to return, and to send the student the Return to Study Form. The Programme Leader should also contact the student to offer advice and to set out the student's options.

- Consideration should be given to how students who have returned from Leave of Absence are reintegrated into their programme and their new cohort, and receive appropriate induction and updating on any changes which may have happened.
- Should the student wish to resume their studies as agreed then a declaration is required via the Return to Study form that there are no ongoing support needs up on return that have not been discussed with the appropriate University support department. If a student has been on a Leave of Absence due to medical grounds they must provide confirmation of their fitness to return in order to resume their studies.
- A fitness certificate can be obtained from their General Medical Practitioner. If this is not provided, or raises further questions about fitness (for example, it refers only to classroom study and the course has clinical placements or teaching practice) the Faculty will consult the University's Wellbeing Service for advice and following this the University may require the student to obtain further evidence from GP or other relevant practitioner. The University may also decide that further information is required, or an internal University assessment be made if there is remaining concern about health and safety (for example, the ability to operate safely in a laboratory) in respect of any return. If the University is not satisfied as to fitness to return, then the student will not be able to return until this is resolved.
- If a student states they do not wish to return the student should be advised that they need to withdraw from their programme and complete a voluntary withdrawal form promptly, because the student is responsible for fees incurred until the form is submitted.
- If a student states they do not wish to return on the agreed return date but seeks authorisation to extend their leave of absence they should be advised to make a new application for a leave of absence. This can only be processed if the new application does not, in combination with the original period of leave, exceed the one-year limit. If the one-year limit is exceeded the student should be advised that they need to withdraw from the programme and, when ready, must reapply for a place through the normal admissions process, a place is not guaranteed.

A Leave of Absence student cannot return to the University if they are not up-to-date with their financial responsibilities with respect to tuition fees. It is the student's responsibility to ensure that all outstanding tuition fee debt owed to the University is paid in full before the agreed return date. The student must contact the University's Finance Department to arrange payment. .

If a student fails to return to their studies at the agreed date the member of Programme Support nominated to manage Leave of Absence is responsible for formally withdrawing the student from the University. The student's record end date will be the end date of the agreed period of absence.

A former (withdrawn) student, who wishes to be re-admitted to a programme of study, should submit an application form including, if applicable, a request for exemption for any previous academic achievement gained whilst at the University. The Head of Admissions and Student Records will require evidence of the student's suitability in terms of entry qualifications to resume studies. The student must be advised that a place on the programme is not guaranteed.

Benefits

During a period of Leave of Absence the student will remain registered as a student of the University with the right to return to complete their studies without having to undergo the admissions process. They will retain the right to hold a campus card and have access to the

University's student support facilities with the exception of accommodation. The student should acknowledge that they are aware that at times of high demand priority may be given to current attending students. Academic support will not be provided during a Leave of Absence, as the student should not be undertaking any academic work whilst on a Leave of Absence.

Forms

1 Leave of Absence form
https://my.sunderland.ac.uk/download/attachments/105484828/Leave%20of%20Absence%20Form%20v4.docx?version=2&modificationDate=1509100316000&api=v2

2 Return to Study form
https://my.sunderland.ac.uk/download/attachments/105484828/Return%20to%20Study%20Form%20-%20Declaration%20v3.docx?version=1&modificationDate=1507736149000&api=v2

3 Voluntary withdrawal policy
https://my.sunderland.ac.uk/download/attachments/106738323/Voluntary%20Withdrawal%20Policy%20v4.pdf?version=1&modificationDate=1540822566000&api=v2

4 Voluntary withdrawal form
https://my.sunderland.ac.uk/download/attachments/106738323/Voluntary%20Withdrawal%20Form%20for%20Partnership%20Students%20v1.docx?version=1&modificationDate=1521454762000&api=v2

Procedure Title:	Interruption to Study (UKVI)
Completed by:	Home Office HE Compliance Co-ordinator
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Purpose and Scope

The UK Visas and Immigration (UKVI) have a Tier system for their visas and the student route is called Tier 4 student visa.

This procedure is to ensure that the UKVI regulations for Tier 4 sponsors are adhered to in the event that students holding a Tier 4 visa are required to take a break from their studies. This may be identified before their programme starts, at re-registration or during the course of their studies.

Key Responsibilities

Responsibility for the management of this policy lies with the Authorising Officer with the day to day support from the Home Office HE Compliance Coordinator.

Tier 4 of the Points Based System Guidance for Sponsors

You must tell us if:
A student defers their studies after they have arrived in the UK and are no longer actively studying. You may continue to sponsor a student who has deferred their studies for up to a maximum of 60 days providing you can continue to carry out your sponsorship duties and the student will be able to complete their course within their existing period of leave. If you think the student will not resume their studies after 60 days you must withdrawn sponsorship.

In exceptional circumstances, such as serious illness or injury, you may continue to sponsor a student for longer than 60 days providing the student can still complete their course within their existing period of leave when they resume their studies.

If sponsorship is withdrawn the student's permission to stay is no longer valid:

- Report that the student has deferred within 10 working days of agreeing the deferral
- Advise student to leave the UK

Once the student is ready to resume their studies then you must assign a new Confirmation of Acceptance of Studies and the student must reapply for a new visa

(Document 2, paragraph 6.24(f), Version 07/16)

'You do not need to tell us if:

- You have given a student permission to miss a contact. One example would be if the student was ill or absent due to pregnancy. There may be other circumstances where you wish to give the student permission to miss a contact. It is for you to decide whether you are prepared to support an absence and if necessary provide evidence to verify this decision to our compliance officers;
- You have decided not to withdraw sponsorship even though a student has missed 10 consecutive contacts. This should be very rare and you must keep evidence of your decision as our compliance officers will monitor exceptions.' (Document 2, paragraph 6.25 (b), Version 07/16

'If you do not require their continued participation within 60 days of the next academic period starting (excluding recognised vacation periods) you should not continue to sponsor them.' (Document 2, paragraph 5.111, Version 07/16)

University of Sunderland Definition of Deferral

Document 2, paragraph 6.24 (f), Version 07/16 requires that the UKVI is notified if a student defers their studies after they have arrived in the UK.
To ensure compliance with UKVI regulations the University has defined this as the student forced to take a Leave of Absence and likely to miss 60 calendar days of teaching or 60 calendar days of the academic year allocated to research or course work and/ or examination preparation for an enforced Leave of Absence and 30 calendar days or more of teaching if the student requests a leave of Absence.

Leave of Absence-First Semester

University regulations[1] specifically prohibit any student from taking a Leave of Absence prior to completing their first semester of study, with the first academic year of their programme.

Should an applicant request a Leave of Absence prior to registering on to their course, University staff should explain the regulations and reiterate the fact that a request in the first semester of study will be refused.

Enforced Interruption of Study

The University may require the student to take a Leave of Absence because they are not in a position to progress with their studies. The main reasons for this are:

- Where a student fails a referred module a decision may be made by the relevant academic Assessment Board that the student cannot continue with their studies without first passing the module. They are no longer required to attend until a new occurrence of the module runs again
- Where a student has been suspended from attending classes due to outstanding tuition fees and cannot progress until an incomplete module has been successfully passed.. They are no longer required to attend classes until the module runs again.

If the student is not required to attend classes for 60 calendar days or more they will be required to take a Leave of Absence. The weeks will be calculated from the date that that Faculty Assessment Board decide that the student is not currently required to attend classes. In most cases this will be the date of the relevant Academic Assessment Board decision.

All vacation periods are excluded from the 60 calendar day calculation.
Student Admin will notify the UKVI within 10 working days of the SITS status being updated to LANP.

Before returning to the University to continue their studies the student will provide a scanned copy of their passport exit stamp to the Gateway/GRS team. Only then will a CAS be assigned to enable the student to apply for a visa extension.

[1] https://my.sunderland.ac.uk/display/AQH/Leave+of+Absence
[2] https://my.sunderland.ac.uk/display/AQH/Leave+of+Absence

Request for a Leave of Absence

The student may request an authorised Leave of Absence for a number of reasons. Please refer to the University's Leave of Absence Policy. The Faculty or GRS will decide if a Leave of Absence will be authorised with reference to the University Leave of Absence policy.

If a Leave of Absence is authorised for more than 30 calendar days the student will be required to return overseas. The student will be advised of this when the Leave of Absence is authorised.

The student will seek advice from the International Student Support team so that they fully understand the impact a Leave of Absence will have on their Tier 4 visa. A prolonged Leave of Absence will mean that the University has to notify the UKVI of this and the student will have to apply for fresh entry clearance prior to travelling to the UK.

If the student fails to apply for a new Tier 4 visa when returning to the UK to re-start their studies they may not be able to pass airport control as the UKVI should have curtailed their visa.

Student Admin will notify the UKVI within ten working days of the SITS status being updated to LANP.

Before returning to the University to continue their studies the student will provide a scanned copy of their passport exit stamp to the Gateway/GRS team. Only then will a CAS be assigned to enable the student to apply for a visa extension.

Exceptions to the 30 Day Rule

There will be limited situations when the student's circumstances are exceptional and it is not appropriate for the student to return overseas. In most cases this will be a student diagnosed with a life shortening or chronic illness and is receiving treatment in the UK.

If a member of staff thinks that a student satisfies exception from the above, details of the case should be forwarded to the Compliance Team for consideration.

A decision will be made by the Authorising Officer, supported by the Home Office HE Compliance Coordinator and Student Relations and Compliance Manager, London campus.

If it is agreed that a student falls within above this exception steps will be taken to notify the UKVI Account Manager, provide a notification on the Sponsor Management System and to organise continued points of engagement.

It is expected that these exceptions will happen rarely. The above will be considered on a case by case basis and only granted in exceptional circumstances.

Pregnancy

As a result of the Equality Act 2010, the legislation on pregnancy and maternity has changed and now includes students. Therefore the University needs to act within the legal framework and to guard against possible discrimination.

However the terms of the Equality Act need to be reconciled with the Tier 4 sponsor guidance prohibiting course deferral without the University withdrawing sponsorship of the student's visa.

University staff should not question an applicant or student on their pregnancy status.

If an applicant discloses that they are pregnant prior to registration they should be signposted to the International Student Support team. Advice and support will be offered to the applicant and the content of the discussion will include the following;

- Explanation of the University regulations prohibiting Leave of Absence in the first semester.
- Explanation of the visa implications when taking a deferral from studies
- Consideration given to deferral of studies depending on the advancement of pregnancy and the impact the pregnancy and birth will have on their ability to continue with their studies without a break.
- Explanation of the University attendance monitoring system
- Offering practical and emotional support from the University Health and Wellbeing team

If the applicant chooses to register on to her programme of study following a full discussion she should not be prevented from doing so for reasons of pregnancy.

Frequently Asked Questions

My student has a Tier 4 visa and has failed a referred module at the October academic Assessment Board held on 21 October 2017 and is not required to return to study until 21 January 2017. What should I advise the student?

This student is not required to resume attendance for 65 days excluding Christmas vacation. For this reason the student must take an enforced Leave of Absence and return to the UK in January 2017. The student should be advised to go to the Gateway as soon as possible and seek advice from the student support team.

They will be advised that the University will notify the UKVI that they have deferred their studies. The UKVI should then take steps to stop the remaining length on their visa. The student will need to ask for a CAS from the Gateway prior to travelling to the UK. This will enable them to apply for a new visa.

My student has asked to take 2 weeks leave to attend a relatives wedding overseas. Can this leave be authorised?

Each Faculty should follow their own authorised leave procedures and if this leave is granted it will have no impact on their Tier 4 visa. Each PL/personal tutor should put steps in place to ensure that the student has returned to their studies after the 2 week period. However the student will also be monitored through the University attendance monitoring process.

My student has requested six weeks break from their studies due to ill health. Can this leave be authorised?

Each Faculty should follow their own authorised leave procedure. However as the student is requesting the leave and will be missing more than 30 calendar days they should be advised to go to the Gateway as soon as possible and seek advice from the International Student Support (ISS).

The student will be advised that the University will notify the UKVI that they have deferred their studies. The UKVI should then take steps to stop the remaining length on their visa. The student

will need to ask for a CAS from the Gateway prior to travelling to the UK. This will enable them to apply for a new visa.

If the student provides evidence that the illness is chronic or life shortening and treatment in the UK is required then the case should be referred to the Compliance Team for consideration.

My student is waiting for the outcome of an academic Assessment Board which will not be heard for a further six weeks. They are not required to attend classes until a decision has been made. What advice should I give to this student?

This student is not required on campus for 42 days excluding Christmas vacation. However the University can continue to sponsor the student's visa. This is permitted because, whilst continued attendance on campus is not required for 42 days this is less than 60 days as stated in the Tier 4 Sponsor guidance. In this scenario there is no visa implications.