

Visa Sponsored Students Academic Engagement Policy and Procedure

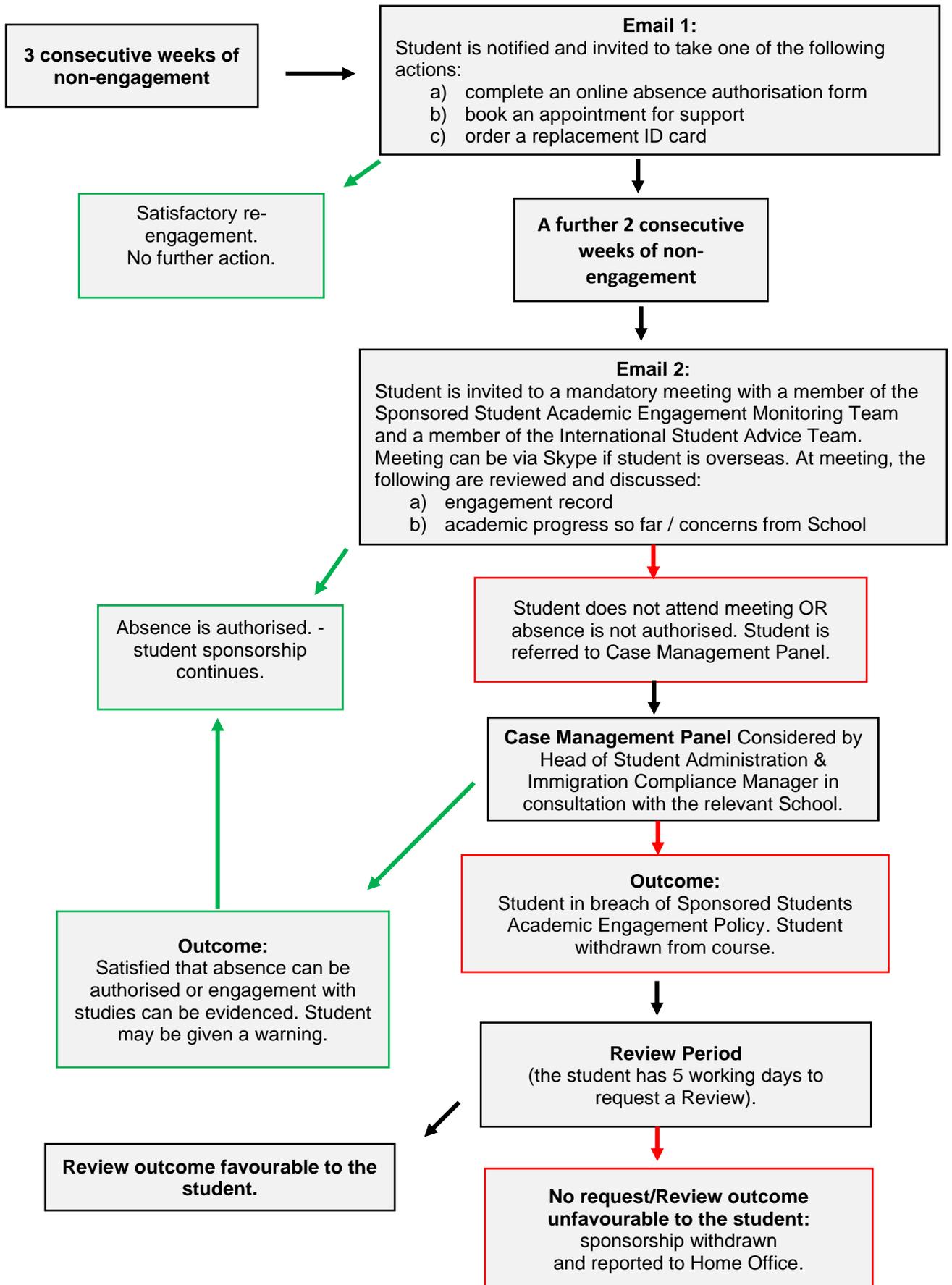
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This Policy and Procedure is available in accessible formats on request from the International Advice team. Please contact: international.advice@lsbu.ac.uk

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Visa Sponsored Students Academic Engagement Policy and Procedure Flowchart



Temporary UKVI Covid-19 Concessions

The UKVI has issued guidance to accommodate the exceptional Covid-19 circumstances. In relation to academic engagement, the guidance states the following:

“2.12 Sponsors do not need to withdraw sponsorship for new students who have been issued permission under the Student or Child Student routes but are undertaking distance learning because they have been unable to travel to the UK, or are in the UK but have not yet been able to attend their studies in person due to Covid-19. If a student stops engaging with their distance learning for more than 30 consecutive days, whether overseas or in the UK, their sponsor must withdraw sponsorship.”

The University remains responsible for the whereabouts of their students. If a student decides to leave the UK during their studies, they need to follow these steps:

1. Contact the Academic Engagement Monitoring Team, attendancemonitoring-tier4@lsbu.ac.uk, and include the following information: LSBU ID number, travel details (exit date, return, date, flight details), copy of travel booking and/or boarding pass.
2. On their return to the UK, students need to provide evidence that they have entered the UK by providing boarding pass copy and/or passport stamp.

Visa Sponsored Students Academic Engagement Policy and Procedure 2020/21

The Tier 4 route has been replaced with the Student route as of 9am on 5 October 2020. All references to Sponsored Students in this document are to be read as including students with leave under Tier 4 (General).

1. Introduction

- 1.1. London South Bank University (“LSBU”) holds a Student sponsor licence. The licence allows LSBU to sponsor certain students to enable them to apply for a visa under Student route of the points-based system.
- 1.2. LSBU takes its status as a Student sponsor very seriously. As a Student sponsor licence holder, LSBU must demonstrate the highest level of compliance with sponsor duties which can be found in the Student Sponsor Guidance: <https://www.gov.uk/government/collections/sponsorship-information-for-employers-and-educators>
- 1.3. The Student regulations specify that the University must ensure that sponsored students are academically engaging throughout the period of sponsorship and that the University must withdraw sponsorship of students who fail to re-engage with their studies in certain circumstances. For more information on withdrawals, please see the University’s Interruption and Withdrawal procedure that can be found at: <https://www.lsbu.ac.uk/about-us/policies-regulations-procedures>

2. Scope – who is covered by this procedure?

- 2.1. This policy applies to undergraduate and postgraduate taught and research students who are currently sponsored by LSBU under the Student route (formerly Tier 4 General). It also applies to sponsored students who are off campus, undertaking work placements, internships or writing up their dissertation.

3. Who is responsible for this procedure?

- 3.1. Overall responsibility for this policy sits with the Authorising Officer of the Student Sponsor Licence, the Chief Customer Officer.
- 3.2. Responsibility for Case Management decisions for students on taught programmes sits with:
 - Head of Student Administration; and
 - Immigration and Compliance Manager.
- 3.3. Day-to-day oversight of the policy and process for students on taught programmes sits with the Visa Sponsored Students Academic Engagement Monitoring team.

- 3.4. Day-to-day oversight of the policy and process for students on work placements and internships sits with the Schools.
- 3.5. Responsibility for Case Management decisions for students on research programmes sits with:
 - University Research Board of Study; and
 - Immigration and Compliance Manager.
- 3.6. Day-to-day oversight of the policy and process for students on research programmes sits with the Research Degrees Programmes Manager.
- 3.7. This policy will be reviewed on a regular basis and at least every two years by the Immigration and Compliance Manager and the University Solicitor to ensure it remains compliant with the Student Sponsor Guidance and Immigration Rules which are subject to change by the Home Office.
- 3.8. Responsibility for Review Panel decisions sits with:
 - Director of Student Recruitment (Group)

4. Academic engagement monitoring procedure for visa sponsored students on taught programmes

Expectations

- 4.1. The sponsored student regulations specify that the University must withdraw sponsorship of students if they miss certain expected contacts without authorisation. The University expects students to attend all timetabled learning events. If a student is unable to do so, they must notify the University and obtain authorisation as detailed below; **please see section 7: 'Notifying Sickness and Authorising Absence'**. The University reserves the right to withdraw a student who is absent without prior authorisation.
- 4.2. Expected contact points are defined as scheduled lectures, seminars, workshops, tutorials, supervised field trips, laboratory sessions and examinations/submission of coursework.
- 4.3. It is vital that students keep the University informed of any sickness or absence. Please read this policy carefully to avoid being deemed withdrawn or excluded for non-engagement.
- 4.4. The University is required to withdraw sponsorship of students who interrupt, or are deemed withdrawn or excluded from their studies. This will result in the visa being curtailed (shortened).

Procedure

- 4.5. The academic engagement monitoring procedure for sponsored students on taught programmes is as follows:

- 4.5.1. Students with three consecutive weeks non-engagement (without prior authorisation) will receive an email (Email 1) from the Visa Sponsored Students Academic Engagement Monitoring team. This email instructs the student to take urgent action, (e.g. submit an authorised absence request; obtain a replacement Student ID card if lost or damaged; book an appointment with the University's support services, etc.) by a stated deadline, normally 3 days.
- 4.5.2. Students who do not take the appropriate action, or who fail to re-engage satisfactorily with their studies for a further 2 consecutive weeks, will receive a second email (Email 2) requiring them to attend a Mandatory Academic Engagement meeting with members of the Visa Sponsored Students Academic Engagement Monitoring team and International Advice team. This meeting will be held via video link for students who are not in the UK. During this meeting, the student can present reasons and evidence related to their absence. Submitted evidence, academic engagement (including attendance) and academic progress so far (including concerns from the School) will be discussed and reviewed. The student must present any additional reasons and evidence during the meeting to determine if the absence can be authorised by the Case Management Review panel, and if the student can successfully complete their studies by the expected course end date.
- 4.5.3. Students who fail to respond to Email 1 and Email 2 or who fail to attend the Mandatory Academic Engagement meeting, or students whose absence cannot be authorised, will be forwarded to the Case Management Panel to determine if visa sponsorship can continue. If the Panel finds the student to be in breach of the University's Visa Sponsored Students Academic Engagement Policy, the student may be withdrawn. Please see the University's Interruption and Withdrawal procedure for more information on withdrawals: <https://www.lsbu.ac.uk/about-us/policies-regulations-procedures>

Outcome

- 4.6. Any decision will be communicated to the student in writing with reasons for the decision within one week of the Mandatory Academic Engagement meeting or the Case Management Panel's decision, whichever is the latter.

Return to Study

- 4.7. A favourable outcome to the student under this procedure does not in itself guarantee a return to study, as all factors, including the student's academic success and ability, as well as class time missed will be taken into account. The student may be asked to interrupt and wait for the next available opportunity to re-enrol.

5. Academic Engagement monitoring procedure for visa sponsored students on research programmes

Expectations

- 5.1. The Visa Sponsored Student regulations specify that the University must withdraw sponsorship of students in certain circumstances. The University expects students to attend all scheduled supervisory meetings. If a student is unable to do so, they must notify the University and obtain authorisation as detailed below; **please see section 7: 'Notifying Sickness and Authorising Absence'**. The University reserves the right to withdraw a student who is absent without prior authorisation.
- 5.2. Students on research programmes are expected to engage with their course of study for a minimum of 40 hours per week (unless alternative working arrangements are agreed in advance with the Supervisor and Research Degrees Programmes Manager). Research students are entitled to four weeks' annual leave per year, not including LSBU closure days. Annual leave must be requested and approved in advance by the Supervisor.
- 5.3. Research students are required to attend a scheduled supervisory meeting once a fortnight, including during the writing-up period. Meetings may be held in person or via email or by other means of electronic communication, but a record of the meeting must be kept and submitted to the Haplo PGR Manager.
- 5.4. Students are expected to attend panel meetings for the academic progression, as they form part of the academic engagement requirements.

Procedure

- 5.5. Students who are absent without authorisation or notification will be asked to attend a mandatory Academic Engagement meeting with the Director of Studies/Research Degrees Programmes Manager, before which they can present evidence related to their absence. This meeting will be held via video link for students who are not in the UK. During the meeting, academic engagement (including attendance) will be discussed and reviewed in detail to determine if the absence can be authorised, and/or if the student can successfully complete their programme by the expected end date.
- 5.6. Students who fail to respond or attend the meeting, or students whose absence cannot be authorised, will be forwarded to the University Research Board of Study to determine if sponsorship can continue. If the Board finds the student to be in breach of the University's Visa Sponsored Students Academic Engagement Policy, the student may be withdrawn. Please see the University's Interruption and Withdrawal procedure for more information on withdrawals:
<https://www.lsbu.ac.uk/about-us/policies-regulations-procedures>

Outcome

- 5.7 Any decision will be communicated to the student in writing with reasons for the decision within one week of the Mandatory Academic Engagement meeting or the University Research Board's decision, whichever is the latter.

Return to Study

- 5.8 A favourable outcome to the student under this procedure does not in itself guarantee a return to study, as all factors, including the academic success and ability, as well as class time missed will be taken into account. The student may be asked to interrupt and wait for the next available opportunity to re-enrol.

6. Requesting a Review of a 'deemed withdrawn' or exclusion decision

- 6.1. If the student is not satisfied with the decision of the Case Management Panel,, for example the decision to withdrawn or excluded from the University, they may request a review within 5 working days of the date they receive the decision by submitting a request in writing to the Director of Student Recruitment at tier4compliance@lsbu.ac.uk if they can demonstrate that:
 - 6.1.1. there was a material and identifiable procedural irregularity by the University in its conduct of the Academic Engagement monitoring procedure; or
 - 6.1.2. the outcome was not reasonable in all the circumstances (i.e. no reasonable decision-maker, properly directing him/her/itself and taking into account the relevant facts, could have reached that decision); or
 - 6.1.3. new material evidence is available which the student was unable, for valid reasons, to provide earlier in the process.
- 6.2. The students should set out their concerns clearly and succinctly and provide evidence in support (where possible). They must explain how their request for a Review falls within one or more of the grounds set out above in paragraph 6.1.
- 6.3. The Director of Student Recruitment or nominee (the "Reviewer") will review the request and all information collated for the Review, together with any new evidence presented, on paper but may contact the student and anyone previously involved in the case as well as any new witnesses. The outcome of the Review will be that the Reviewer either upholds the original outcome, or makes a different finding, which overturns the original outcome. The decision taken at the Review stage is final. The final decision of the Review will be communicated to the student in writing, with reasons, usually within 10 working days from the Review request being accepted.

7. Notifying Sickness & Authorised Absence

- 7.1. Absences of 5 consecutive days or less:
 - 7.1.1. Students on taught programmes who miss a class or timetabled learning event are expected to notify the University. This can be done by emailing the Visa Sponsored Students Academic Engagement Monitoring team: attendancemonitoring-tier4@lsbu.ac.uk
 - 7.1.2. Students who are absent from their work placement are expected to notify the University as well as their placement provider (following the provider's absence procedure where applicable).
 - 7.1.3. Students on research programmes should notify the Research Degrees Programmes Manager.
- 7.2. Students who are going to miss more than 5 consecutive days of classes, timetabled events or work placement days due to a short-term illness or other circumstances beyond their control, must submit an Authorised Absence Request and appropriate supporting evidence.

- 7.3. Subject to approval, the maximum period of absence that can normally be authorised without a formal interruption is 15 working days but please see section 8 for exceptions.
- 7.4. If the student's performance at assessment is affected by such an absence, and they meet the relevant criteria, the student must also submit a separate claim for Extenuating Circumstances. Please see the University's Extenuating Circumstances procedure for more information: <https://www.lsbu.ac.uk/about-us/policies-regulations-procedures>
- 7.5. Students can (and should) discuss their absence and academic progress with their academic tutor/supervisor, but absences cannot be authorised by School academics or administrative staff. The Authorised Absence procedure must first be followed.
- 7.6. Authorised absence will not be granted for events during term-time such as work commitments, holidays, weddings or visiting family/friends. Other non-urgent travel will not be authorised.
- 7.7. Students who are granted an authorised absence must check the Tuition Fee Regulations in relation to refunds as a refund is not guaranteed.
- 7.8. Students who are granted an authorised absence will not be granted an extension of the expected end date of studies to reflect the period of absence.
- 7.9. A request will only be approved if the School is satisfied that the student will not be missing critical elements of the course and that the student will be able to satisfactorily complete their studies by the expected course end date. In circumstances where a student's absence is expected to prevent them from progressing or completing their course by the expected end date, the University may decide that a formal interruption of studies or withdrawal is required.
- 7.10. If a student interrupts their studies, the University must withdraw sponsorship of the current Student visa. The Student visa will be curtailed (shortened) and the student must either leave the UK or apply for a new type of immigration permission to remain. When the student is ready to return to their studies, they must apply for new Student entry clearance (if required).
- 7.11. If a student withdraws from their studies, the University must withdraw sponsorship of the current Student visa. The visa will be curtailed (shortened) and the student must either leave the UK or apply for a new type of immigration permission to remain.
- 7.12. Students may wish to discuss their situation with the International Student Advice team to find out how an absence may affect their sponsored visa: <http://www.lsbu.ac.uk/international/visas-and-immigration/advice-team>
- 7.13. Students can also seek advice from:
 - Health and Wellbeing team: <http://www.lsbu.ac.uk/student-life/student-services/health-wellbeing>
 - LSBU Students Union: <http://www.lsbu.org/welfare/>

8. Exceptions

- 8.1. The maximum period of absence which can normally be authorised without a formal interruption is 15 working days. In very exceptional circumstances (e.g. serious illness or injury that prevents a student from travelling), LSBU may decide to continue sponsoring a student for up to 60 days if the student intends and is able to resume their studies, provided that:
 - 8.1.1. acceptable evidence can be provided; and
 - 8.1.2. the student can still complete their course within their existing period of leave when they resume their studies (subject to the approval of the School).
- 8.2. The circumstances of each case will be considered individually by the Case Management Panel and the School.
- 8.3. A supported claim for Extenuating Circumstances does not automatically constitute an authorised absence, nor does it mean that the circumstances have been deemed 'exceptional' as referred to in paragraph 8.1.

Appendix 1: Guidance for Authorised Absence Requests

When a student who is studying at LSBU under a student visa will be absent from their taught timetabled modules (i.e. lectures, seminars, tutorials, workshops and other timetabled learning events) or research programme for **a period of more than 5 consecutive days**, due to short-term illness or other circumstances beyond their control, the student must obtain authorisation from the University.

The maximum period of absence that can be granted without interrupting or suspending studies is 15 working days, subject to approval by the Case Management Panel and the School (Course Director). For those studying on PG Research Programmes, any absence is subject to approval by the student's personal supervisor. However, the authorised absence must be requested in advance so the request can be reviewed and approved by the School/Supervisor prior to the absence. Please note, authorised absence requests cannot normally be approved retrospectively.

A request will only be approved if:

- the School is satisfied that the student will not be missing critical elements of the course, and
- any period of authorised absence should not be cited later on as reasons for the student being unsuccessful and being forced to repeat any component.

If the student's academic engagement or performance at assessment is affected by such an absence:

- students on taught programmes must also submit a separate claim for Extenuating Circumstances <https://www.lsbu.ac.uk/about-us/policies-regulations-procedures>
- students on research programmes must attend a meeting with their School's Director of Postgraduate Research and supervisors.

Please note:

- Absences during assessment or examination weeks will not normally be authorised.
- During LSBU holiday periods, there is no requirement for students to be present on campus (unless otherwise stated by the School). There is no need to request an authorised absence during these periods.
- Authorised absence will not be granted for events during term-time such as work commitments, holidays, weddings or visiting family/friends. Other non-urgent travel will not be authorised.
- Students who are granted an authorised absence must check the Tuition Fee Regulations in relation to refunds as a refund is not guaranteed.
- Students who are granted an authorised absence will not be granted an extension of the expected end date of studies to reflect the period of absence.
- In circumstances where a student's absence is expected to prevent them from progressing or completing their course by the expected end date, the University may decide that a formal interruption of studies or withdrawal is required.
- Students on postgraduate taught programmes only: if you wish to complete your dissertation in your home country you may, in some cases, continue to maintain your student visa under the following conditions:
 - the evidence of your engagement with your academic supervisor is monitored and recorded, and
 - you inform us that your intention is to return to the UK.

When applying for an authorised absence, students are required to state the reason(s) for the absence request. Below is a table listing reasons for absence with guidance notes on when these may be used, and what appropriate forms of evidence will be required. This is not an exhaustive list and each request will be considered on its own merit.

Reason for absence	Description	Appropriate Evidence
Medical / health reasons	To be used if you require an absence of more than 5 days due to ill health, significant accident/injury or medical treatment.	Certificate / letter from a registered medical practitioner that covers the duration of absence period.
Bereavement / serious illness of a family member	To be used if: <ul style="list-style-type: none"> a family member is seriously ill and you will be visiting them a family member has passed away and you will be attending the funeral 	<ul style="list-style-type: none"> Medical certificate / Death certificate Travel details (e.g. flight confirmations)
Acute emotional or traumatic personal experience	To be used if you require an absence due to shocking or traumatic personal experience, severe and emotional stress. Depending on the circumstances, a formal interruption may be required	Certificate / letter from a registered medical practitioner that covers the duration of absence period.
Victim of crime	To be used if you require an absence due to a violent crime, domestic violence or harassment.	<ul style="list-style-type: none"> Police report Certificate / letter from a registered medical practitioner
Immigration / nationality documentation reasons	To be used if: <ul style="list-style-type: none"> you will be travelling overseas to extend your visa. Please note, academic engagement is normally expected to continue during the period of absence. you are granted a new type of immigration permission (i.e. not under student route), your LSBU student sponsorship will be withdrawn. 	<ul style="list-style-type: none"> Flight details Details of new immigration application
PGR Students only: Overseas fieldwork	To be used if you are a student on a research programme and will be undertaking fieldwork overseas. Academic engagement must continue during the period of absence.	Written approval from Director of Studies / Research Degrees Programmes Manager.
Other	To be used if you are requesting an absence for any reason other than those above.	Please provide evidence that outlines the reason(s) and dates of your absence. You may be required to submit additional documentation.

Appendix 2: Authorised Absence Request Form

Student ID no.	Click or tap here to enter text.
First name(s)	Click or tap here to enter text.
Surname	Click or tap here to enter text.
School	Click or tap here to enter text.
Course	Click or tap here to enter text.
Please select one option	<input type="checkbox"/> I am currently completing taught modules (UG or PGT) <input type="checkbox"/> I am currently completing a dissertation or final project (PGT) <input type="checkbox"/> I am currently completing a placement or exchange (UG or PGT) <input type="checkbox"/> I am currently completing research (PGR)
Contact Phone No. (including country code)	Click or tap here to enter text.
Skype ID*	Click or tap here to enter text.
Reason for absence	Click or tap here to enter text.
First date of absence**	Click or tap here to enter text.
Last expected date of absence**	Click or tap here to enter text.
Number of timetabled events to be missed	Click or tap here to enter text.
Evidence submitted (see Guidance)	Click or tap here to enter text.

**If not in the UK*

***First/last dates of absence from your course/engagement of study*

Student Declaration

- I understand that I am required to provide evidence of the reasons for my absence.
- I understand that I will not be granted an extension to my visa as a result of this absence.
- I understand that authorised absence, if approved, is considered separately to the extenuating circumstances process.
- I understand that I will need to re-engage with my studies the day after the agreed end date of authorised absence to protect my immigration status and registration at the University.
- I understand that should I fail to return by the date expected, the University reserves the right to initiate an interruption of study and withdraw student sponsorship, after which I will be reported to the Home Office and I will be required to leave the UK.

Student Signature	
Date	