

# Defer, Suspend or Cancelling Overseas Student Enrolment Policy - Standard 9

## PURPOSE

The purpose of this policy is to put in place a framework that ensures the processes of Deferring, Suspending or Cancelling the Students Enrolment adheres to the standard 9 of the National Code.

## SCOPE

This policy applies to all the staff of Gen Institute who are involved in the process of Deferral, suspension and Cancellation of Student's enrolment and all the students of Gen Institute.

## POLICY

This policy/procedure supports 'Standard 9 – Deferring, suspending or cancelling the student's enrolment' of the 'National Code of Practice for Registration Authorities & Providers of Education & Training to Overseas Students 2018' which states:

*'Registered providers may only enable students to defer or temporarily suspend their studies, including granting a leave of absence, during their course through formal agreement and only in certain limited circumstances.'*

The following procedures will ensure Gen Institute follows the required process when a student wishes to defer, suspend, or cancel their enrolment with Gen Institute.

Students can initiate deferral, suspension or cancellation of their studies during their stay in Australia only in certain limited circumstances as described below. Students may also have their enrolment suspended due to misbehaviour which can also be grounds for cancellation of studies. Students have the right to appeal a decision by Gen Institute to defer, suspend or cancel their studies and Gen Institute will not notify Department of Education and Training of a change to the enrolment status until the internal complains and appeals process is completed. (ESOS 9.3 AND 8)

## Definitions

<b>Application for Transfer Between Registered Providers</b>	An application by a Student for Transfer Between Registered Providers (release).
<b>DHA</b>	Department of Home Affairs
<b>ESOS Act:</b>	The Education Services for Overseas Students Act 2000 of the Commonwealth of Australia, as amended from time to time.
<b>National Code:</b>	The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students, established pursuant to Part 4 of the ESOS Act, as amended from time to time.
<b>Student Counsellor or equivalent:</b>	Includes a student counsellor/student support officer/advisor or welfare officer appointed by the Institute and working at the Institute or, in the case of Students

## Overseas students

### Student Deferral

- A student wishing to defer an enrolment must do so prior to the commencement of the course. Students must complete a 9.1 Defer, Suspend or Cancel Enrolment form and submit to the Student admin Department.
- All 9.1 Defer, Suspend or Cancel Enrolment form documentation will be kept in the student file and DEPARTMENT OF HOME AFFAIRS shall be notified via PRISMS of the decision to defer the enrolment as a result of the student's request. (ESOS 9.1) (ESOS 9.3b)

### Student Suspension (ESOS 9.2)

Gen Institute is only able to temporarily suspend the enrolment of the student on the grounds of compassionate or compelling circumstances. These circumstances could include but are not limited to:

- Serious illness or injury, where a medical certificate states that the student was / is 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 student's studies;

A traumatic experience which could include:

- Involvement in or witnessing of a serious accident;
- witnessing or being the victim of a serious crime, and this has impacted on the student's wellbeing (these cases should be supported by police or psychologists' reports)
- Where Gen Institute is unable to offer a pre-requisite unit
- Inability to begin studying on the course commencement date due to delay in receiving a student visa.

Please Note: The above are only some examples of what may be considered compassionate or compelling circumstances. The Operations Manager will use their professional judgment to assess each case on its individual merits. When determining whether compassionate or compelling circumstances exist, Gen Institute will consider documentary evidence provided to support the claim, and should keep copies of these documents in the student file.

- Students will be required to complete a 9.1 Defer, Suspend or Cancel Enrolment form in and submit to the Student Administration Department. Students will also be required to provide evidence of the compassionate or compelling circumstances in their 9.1 Defer, Suspend or Cancel Enrolment form (i.e. a medical certificate or police report, etc.) (ESOS 9.1)
- Students who would like to defer their studies must first speak to a staff member in the Student Administration to gain a 9.1 Defer, Suspend or Cancel Enrolment form and to ensure they understand the reasons in which a deferment may be granted. A 9.1 Defer, Suspend or Cancel Enrolment form must be completed which will need to be approved by the operations manager. This 9.1 Defer, Suspend or Cancel Enrolment form must include in detail the 'compassionate or Compelling circumstances' (ESOS 9.1)
- Where a suspension of enrolment is granted, Gen Institute will suspend an enrolment for an agreed period of time - to a maximum of 12 months. If the suspension is required for longer than 12 months the student will be required to re-apply once the initial suspension period has expired.
- DHA's policy requires that if a student's enrolment is suspended for a period of 28 days or longer, the student must return home (unless special circumstances exist). Please refer all questions about whether students may remain in Australia during a period of suspension of enrolment to DHA.
- Students are to be informed in writing of the outcome of their 9.1 Defer, Suspend or Cancel Enrolment form and that it may affect their student visa. (ESOS 9.3a)

- All 9.1 Defer, Suspend or Cancel Enrolment form documentation for the suspension will be kept in the student file and DHA shall be notified via PRISMS of the decision to suspend the enrolment as a result of the student's request. (ESOS 9.3b)

### **Student Cancellation**

- Students wishing to cancel their enrolment must complete a 9.1 Defer, Suspend or Cancel Enrolment form and submit to the Student Administration Department.
- Students wishing to cancel their enrolment prior to completing 6 months of study in their principal course must provide a Letter of Offer from an alternative provider. This is required under Standard 7 of the National Code and further information can be gained from the **Transfer between registered providers Policy and Procedure**.
- All 9.1 Defer, Suspend or Cancel Enrolment form documentation for the cancellation will be kept in the student file and DEPARTMENT OF HOME AFFAIRS shall be notified via PRISMS of the decision to cancel the enrolment as a result of the student's request. (ESOS 9.3b)

### **Domestic students**

#### **Student Deferral**

- A student wishing to defer an enrolment must do so prior to the commencement of the course. Students must complete a 9.1 Defer, Suspend or Cancel Enrolment form and submit to the Student Administration Department.
- All 9.1 Defer, Suspend or Cancel Enrolment form documentation will be kept in the student file
- The student will be informed by the admin manager once the deferment has been approved. The maximum time period approved for the deferment is 4 weeks. Once the 4 week time period lapses, students must complete the enrolment process again and a new training plan will need to be put in place with the correct start and end date of the course

#### **Student Suspension (ESOS 9.2a)**

- Students are able to suspend their enrolment during the study periods on the grounds of extenuating circumstances.
- These circumstances could include but are not limited to:
  - Serious illness or injury, where a medical certificate states that the student was / is unable to attend classes;
  - Bereavement of close family members such as parents or grandparents (Where possible a death certificate should be provided);
  - 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 student (these cases should be supported by police or psychologists' reports)
  - Where Gen Institute is unable to offer a pre-requisite unit
- Students who feel the need to suspend the course will be encouraged to speak to the student support officer.
- Students will be required to complete a 9.1 Defer, Suspend or Cancel Enrolment form and submit to the Student Administration Department
- Where a suspension of enrolment is granted, Gen Institute will suspend an enrolment for an agreed period of time - to a maximum of 6 months. Once the student returns after the suspension period, students must complete the enrolment process again and a new training plan will need to be put in place with the correct start and end date of the course. If the student does not return after the 6 month period, the enrolment will be cancelled by the admin Department.

- All 9.1 Defer, Suspend or Cancel Enrolment form documentation for the suspension will be kept in the student file and SVTS shall be notified via AVETMISS (If applicable) of the decision to suspend the enrolment as a result of the student's request.
- Gen Institute will request any assessments related to the units delivered until the suspension to be submitted.

### **Student Cancellation**

- Students wishing to cancel their enrolment must complete a 9.1 Defer, Suspend or Cancel Enrolment form and submit to the Student Administration Department.
- All 9.1 Defer, Suspend or Cancel Enrolment form documentation for the cancellation will be kept in the student file and Department of education shall be notified via AVETMISS (if applicable) of the decision to cancel the enrolment as a result of the student's request.
- If the student decides to return to Gen Institute and continue studying the course, students must complete the enrolment process again and a new training plan will need to be put in place with the correct start and end date of the course

## **PROCEDURE FOR RECORDING AND REPORTING DEFERMENTS, SUSPENSION OR CANCELLATION OF ENROLMENTS**

### **Provider Deferral**

Gen Institute may defer an enrolment where the course is not being offered at the proposed Date, site, or any other reason Gen Institute deems necessary to differ the course.

### **Provider Suspension (ESOS 9.2)**

Gen Institute has the ability to suspend a student's enrolment on the grounds of misbehaviour. This misbehaviour may include but is not limited to acts of discrimination, sexual harassment, and vilification or bullying as well as acts of cheating or plagiarism. Such acts of misbehaviour will be classified into one of two categories.

### **Academic Misconduct**

The following gives an indication to the types of behaviour that constitute 'Academic Misconduct' within Gen Institute:

### **Examinations**

- i. Students must not help or receive assistance from other students
- ii. Students must not request the loan of or lend materials or devices to other students
- iii. Students must not bring any materials into the examination room other than those specified for that examination
- iv. Students must not use computer software or other devices during an examination other than those specified.

A student may be excluded from a final examination in a unit for any of the following reasons:

- unauthorised absence from class
- failure to meet unit requirements, for example non-submission of assignments or failure to attend class or mid-semester tests
- academic misconduct
- general misconduct (see below)  
Other assessment tasks

- Students must not copy or paraphrase any document, audio-visual material, computer-based material or artistic piece from another source except in accordance with the conventions of the field of study
- Students must not use another person's concepts, results or conclusions and pass them off as their own
- In cases where the assessment task is intended to be individual work not group work, students must not prepare an assignment collaboratively and then submit work that is substantially the same as another student's assessment.
- Students must not ask another person to produce an assessable item for them.

## General Misconduct

General misconduct is where a student:

- Acts dishonestly;
- Harasses other students or staff;
- Interferes with students or staff;
- Prevents or disrupts learning;
- Disobeys/fails to comply with contractual or legal requirements;
- Misuses, damages or steals Gen Institute's property or the property of others;
- Alters/defaces Gen Institute documents or records;
- Prejudices the good name of Gen Institute, or otherwise acts in an improper manner.

The following examples indicate the kinds of behaviour which constitute student misconduct. They are for illustrative purposes and are not intended to be exhaustive. Student misconduct occurs when a student:

- a) Contravenes any rules or acts;
- b) Prejudices the good name or reputation of Gen Institute;
- c) Prejudices the good order and governance of Gen Institute or interferes with the
- d) Freedom of other people to pursue their studies, carry out their functions or participate in the life of the Gen Institute;
- e) Fails to comply with conditions agreed in the contract;
- f) Wilfully disobeys or disregards any lawful order or direction from Gen Institute personnel;
- g) Refuses to identify him or herself when lawfully asked to do so by an officer of Gen Institute;
- h) Fails to comply with any penalty imposed for breach of discipline;
- i) Misbehaves in a class, meeting or other activity under the control or supervision of Gen Institute, or on Gen Institute premises or other premises to which the student has access as a student of Gen Institute;
- j) Obstructs any member of staff in the performance of their duties;
- k) Acts dishonestly in relation to admission to Gen Institute;
- l) Knowingly makes any false or misleading representation about things that concern the student as a student of Gen Institute or breaches any of Gen Institute rules;
- m) Alters any documents or records;
- n) Harasses or intimidates another student, a member of staff, a visitor to Gen Institute, or any other person while the student is engaged in study or other activity as an student, because of race, ethnic or national origin, sex, marital status, sexual preference, disability, age, political conviction, religious belief or for any other reason;
- o) Breaches any confidence of Gen Institute;
- p) Misuses any facility in a manner which is illegal or which is or will be detrimental to the rights or property of others. This includes the misuse, in any way, of any computing or communications equipment or capacity to which the student has access at or away from Gen Institute premises while acting as an Gen Institute student, in a manner which is illegal or which is or will be detrimental to the rights or property of others;
- q) Steals, destroys or damages a facility or property of Gen Institute or for which the Gen Institute is responsible; or is guilty of any improper conduct.

Where a student has been identified of Academic or General Misconduct the operations manager shall be informed and will make a decision on the penalty and the severity of the penalty in accordance with previously identified criteria. The operations manager may take into account the type of misconduct that has occurred and the level of misconduct that occurred when deciding penalties.

- Where a student has been identified with Academic or General Misconduct Gen Institute shall ensure the following:
  - Students must be treated fairly, with dignity and with due regard to their privacy
  - Students are to be regarded as innocent of the alleged misconduct until they have either admitted to it or been found by proper inquiry by the operations manager to have so behaved.
  - Past misconduct is not evidence that a student has behaved in the same manner again.
  - Each case is dealt with on its own merits and according to its own circumstances with the provision that the first instance of misconduct will be penalised more leniently than subsequent instances of misconduct.
- Students are able to access the COMPLAINTS AND APPEALS if they feel that the decision is unfair or they have other grounds to appeal the decision. (ESOS 8)
- If the student accesses Gen Institute's internal complaints and appeals process, suspension or cancellation of the student's enrolment cannot take effect until the internal process is completed.
- The penalties the operations manager can impose are:
  - Academic Misconduct could include a warning, a reduction in grades, receiving zero for an assessment, deemed NYC in the unit, or suspension of enrolment
  - A charge for any costs that the general misconduct may have caused
  - Temporary exclusion from Gen Institute in the form of suspending enrolment for a period of time.
- Department of Home Affairs policy is that if a student's enrolment is suspended for a period of 28 days or longer, the student must return home (unless special circumstances exist). Please refer all questions about whether students may remain in Australia during a period of suspension of enrolment to Department of Home Affairs.
- Where the severity of misconduct is severe, the operations manager may decide to cancel the enrolment

### **Provider Cancellation**

In some cases where the student's misconduct is severe, Gen Institute has the right to cancel the enrolment.

### **Non-payment of fee**

In relation to the non-payment of fees the student will be sent out only one warning letter (where the student fails to pay tuition fees within 7 days of due date and the amount exceeds \$500) informing them that they have 20 working days from the date after 2 days of issue to access the Gen Institute's complaints and appeals process. If the complaint and/or appeal are not upheld, or the student withdraws from the complaint and/or the appeal process, then Gen Institute must report the student to Department of Home Affairs. The suspension or cancelling of the student's enrolment cannot take effect until the appeal process is completed unless there are extenuating circumstances relating the student's welfare.

### **Non-Commencement of enrolment**

When the student does not attend the orientation a student support officer will try to establish contact with the student through a telephone call and if the contact was not established within two weeks or fourteen days the students will be reported based on non-commencement. Then Gen Institute must report the student to Department of Home Affairs.

When the student is due to commence studies but has not arrived in Australia nor contacted the Institute within 2 weeks of the semester's Start date to explain the reason for his or her non-commencement of studies and the student has not notified Gen Institute in writing, the student enrolment will be cancelled on the basis of non-commencement. The student who has not returned from semester break and has not paid the next semester's fees and has not contacted Gen Institute within 2

weeks of the semester's commencement date, to explain the reason for his or her non-commencement of studies, the enrolment will also be cancelled on the basis of non-commencement. In this case, no Notification of Intention to Cancel or suspend the student's enrolment letter will be issued, as the Institute has assumed that the student, by not paying his or her fees and not contacting Gen Institute, has indicated that he or she will not be commencing his or her studies.

Where the operations manager has decided the misconduct is severe enough for cancellation the following must occur:

- The student must be informed in person (where possible), and in writing of the decision of Gen Institute to cancel the student's enrolment.(ESOS 9.3a)
- They must be informed of the fact that they have the right to appeal the decision by accessing the COMPLAINTS AND APPEALS and completing this appeal within 20 working days of the notification (ESOS 8) (ESOS 9.4)
- If the student accesses Gen Institute's internal complaints and appeals process, suspension or cancellation of the student's enrolment cannot take effect until the internal process is completed.(ESOS9.4).
- Students must also be informed that Gen Institute is required to inform Department of Education and Training / DEPARTMENT OF HOME AFFAIRS via PRISMS after the 20 working day period and that they will be at risk of having their Visa cancelled.(ESOS 9.3b)

## PROCEDURE FOR RECORDING AND REPORTING DEFERMENTS, SUSPENSION OR CANCELLATION OF ENROLMENTS

All 9.1 Defer, Suspend or Cancel Enrolment form and outcomes are to be kept in the Student file.

- All reports of misconduct, decisions and actions taken in relation to misconduct, and other related documentation must be kept in student file.(ESOS 9.1)
- Any decisions to initiate deferral, suspension or cancellation of an enrolment must be reported to Department of Education and Training / DEPARTMENT OF HOME AFFAIRS via PRISMS.(ESOS 9.3b)
- Students are to be kept informed of any decisions or outcomes that relate to a deferment, suspension, or cancellation of enrolments.
- All students are to be given the opportunity to access the complaints and appeals procedure before reporting any provider initiated suspensions or cancellations of enrolments via PRISMS occurs. The students have 20 working days to lodge a Complaint or an Appeal.(ESOS 8)
- Where a student decides to access this procedure within 20 working days of notification Gen Institute must wait until the process has been finished before going ahead with the reporting of the student's enrolment changes via PRISMS.
- Identifying and entering the appropriate dates in PRISMS such as the last day of study and termination dates for different circumstances (i.e. student notify of Cessation of study , provider initiated cancellations) have to be determined based on the annexure 3 after this policy.

### **Responsibility:**

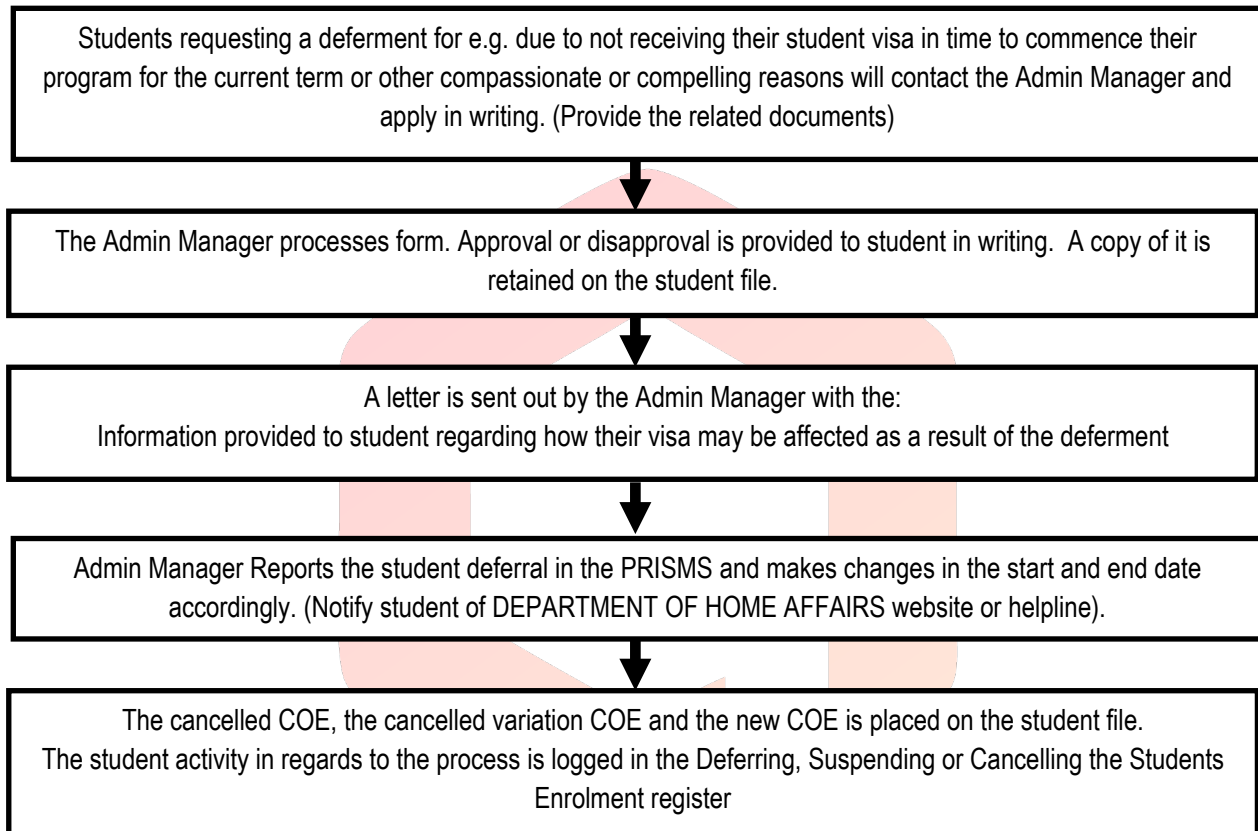
The Admin Manager is responsible for the implementation of this procedure and to ensure that staff and students are aware of its application and that staff implements its requirements and is responsible for ensuring that PRISMS are notified of any deferment, suspension or cancellation.

### **Associated documents:**

- 9.1 Deferral, Suspension or Cancellation Form
- 9.2 Non-payment of Fees warning letters
- 9.3 Deferment approval letter or Refusal Letter

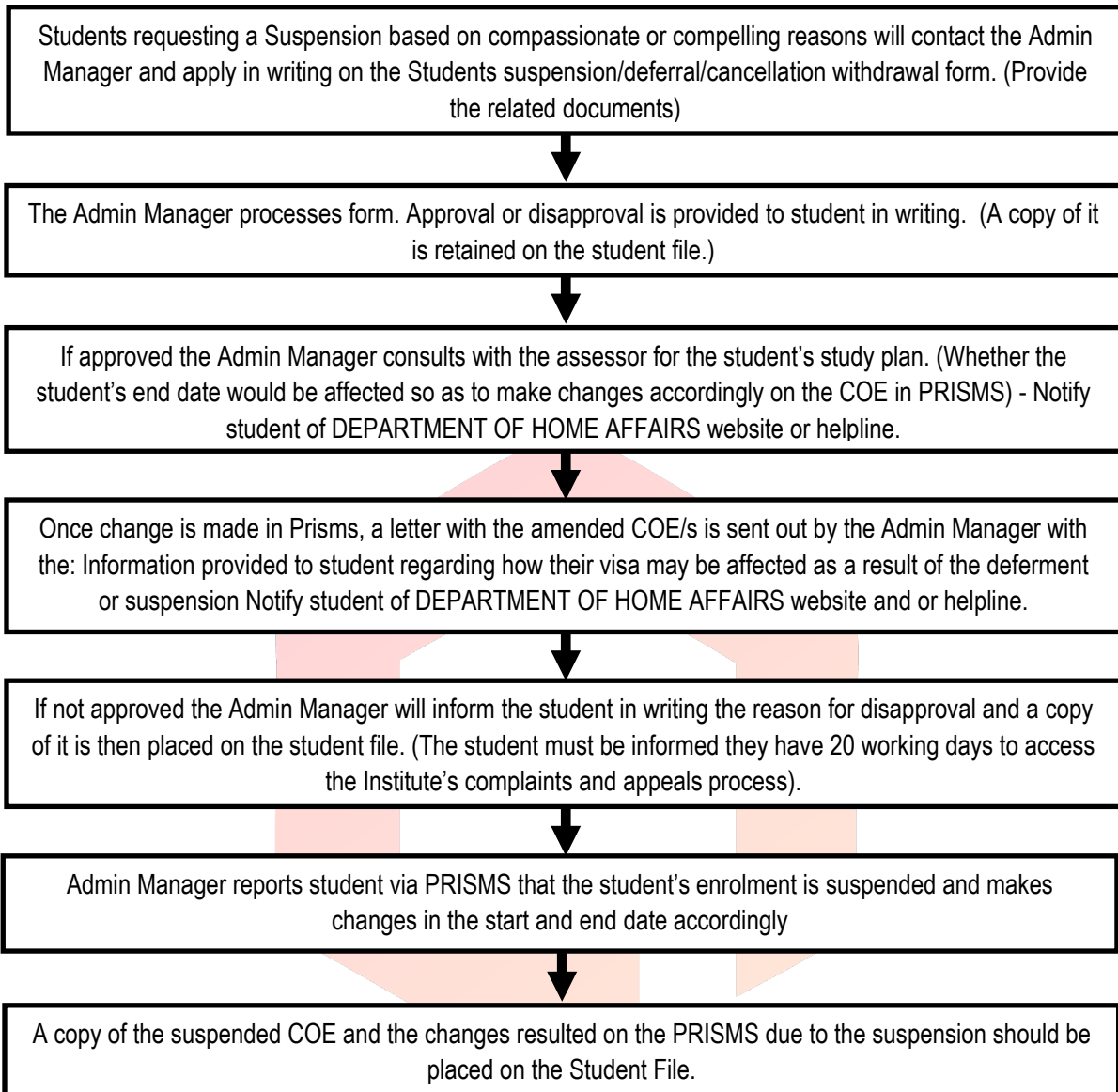
- 9.4 Breach Reported (Non Payment)
- 9.5 Breach Reported (Non Commencement)
- Complaints and Appeals Policy and Procedure
- 8.1 Complaint and Appeals form
- Student's Code of Conduct Policy and Procedure
- Deferring Suspending or Cancelling the Students Enrolment
- Plagiarism Policy and Procedure

### **DEFERRAL OF COMMENCEMENT PROCEDURE**

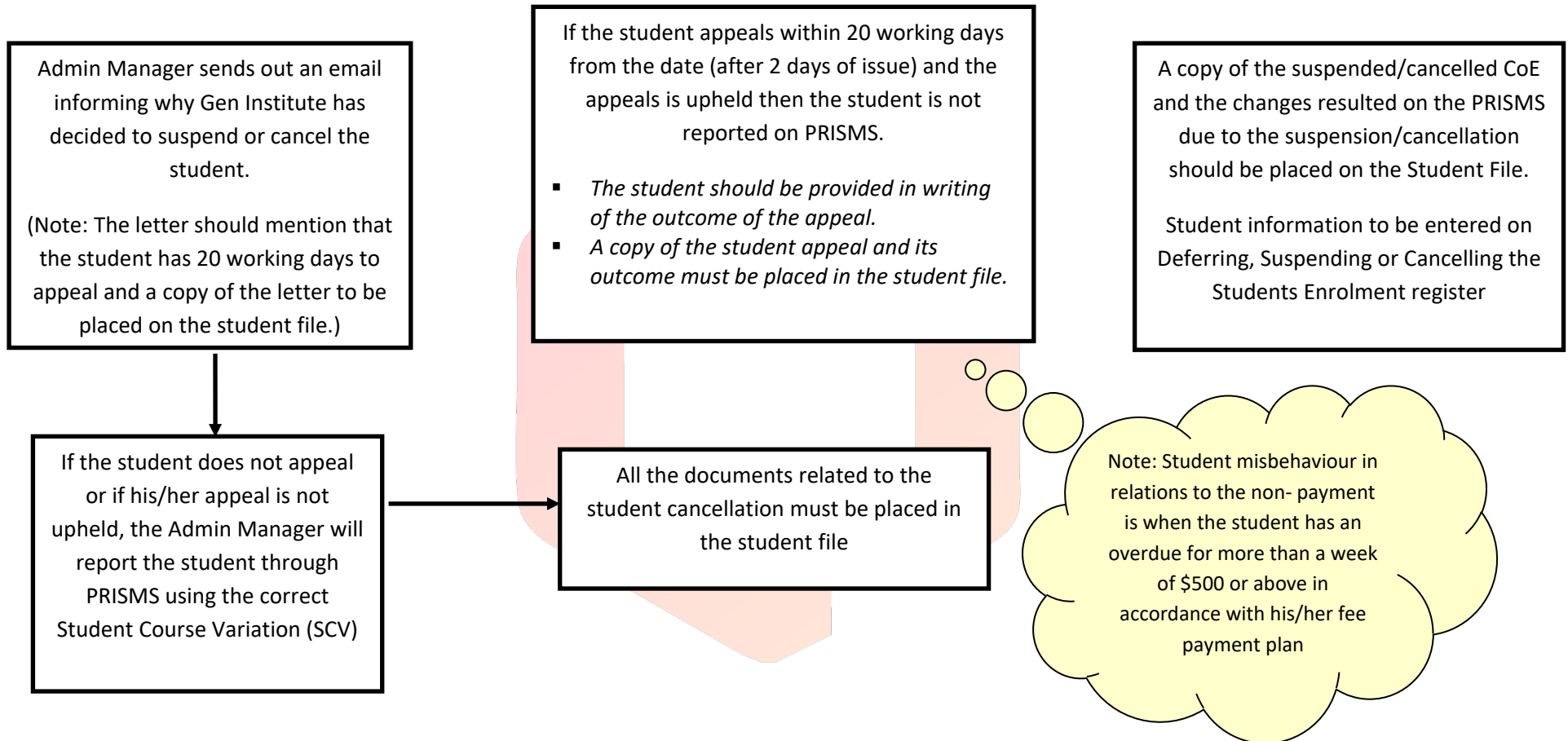




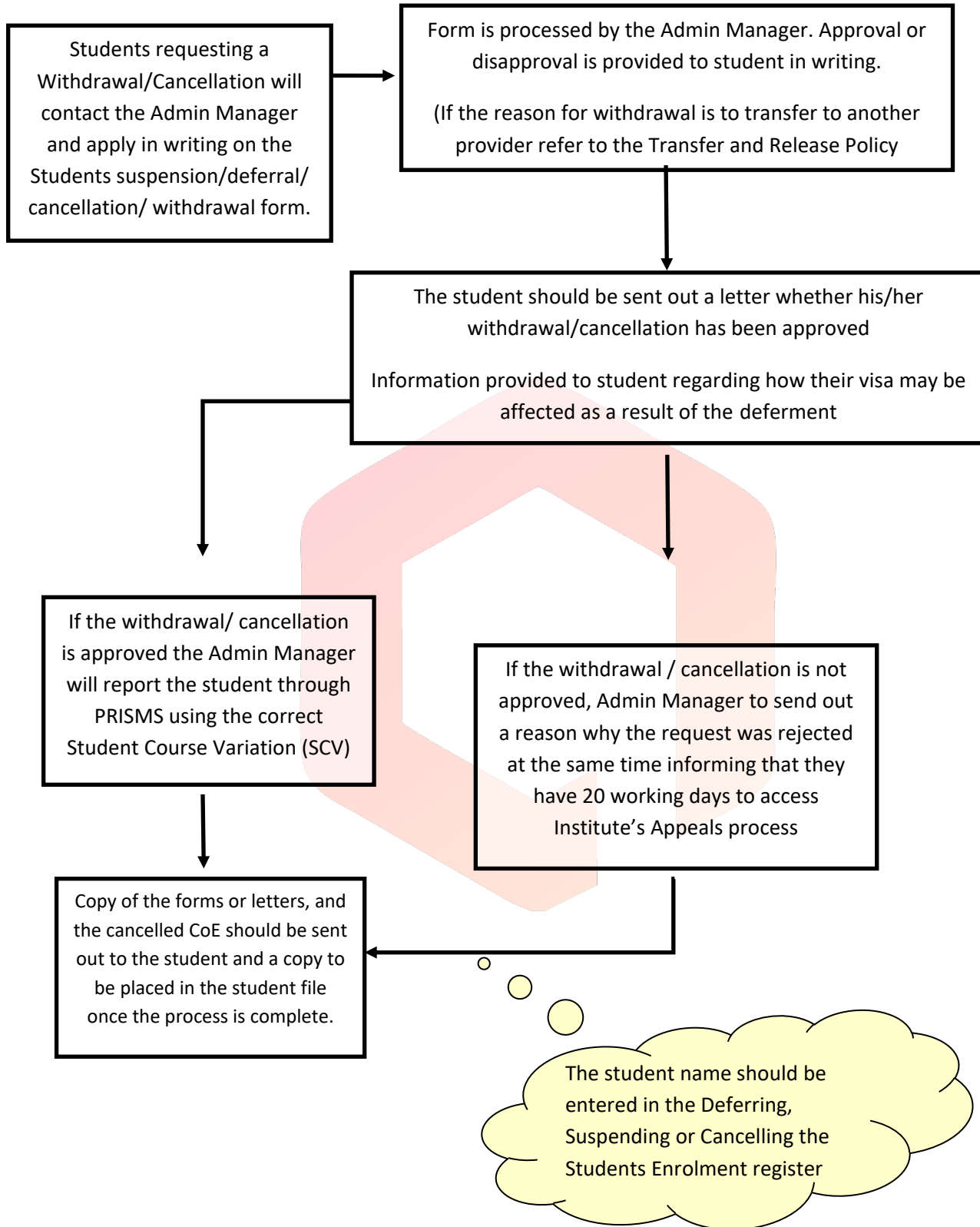
**SUSPENSION OF STUDIES PROCEDURE (Student Initiated)**



**SUSPENSION/CANCELLATION OF STUDIES PROCEDURE (INSTITUTE Initiated)**



**Withdrawal/Cancellation of Enrolment Procedure (Student initiated)**



## Termination of Studies

While processing Student Course Variations (SCV) two dates are included as per reporting obligations for termination of studies in PRISMS. These dates are:

- the last day of the student's studies; and
- the day the student's studies are terminated (whether or not the termination takes effect on that day)

Below are the details on how last day of school and termination dates taken.

## Annexure 3

### Provider Decision to terminate the studies

Termination of Studies	SCV Reason	Last day of School and Termination dates
Provider decision to cease student enrolment	<ul style="list-style-type: none"> <li>- Non-Payment of Fees</li> <li>- Disciplinary reasons</li> <li>- Unsatisfactory course progress</li> </ul>	<p>If the outcome of the appeals process finds in favor of the provider, the date the student's studies are terminated is the day after the completion of the internal appeals process. However, if the student ceases to attend classes before the appeal concludes – the first day they were not in class becomes the termination date.</p> <p>In the event that the student does not access the provider's internal complaints and appeal process, the date the student's studies are terminated would be the 21st day after the issuing of the written notice or earlier if the provider knows the date the student stopped attending classes.</p>
Provider decision to cease student enrolment	<ul style="list-style-type: none"> <li>- No longer Holding Student Visa</li> </ul>	The 'date of termination of a student's studies' is the first "study" day following the last actual day of study
Provider decision to cease student enrolment	<ul style="list-style-type: none"> <li>- Provider unable to deliver course</li> </ul>	The 'date of termination of a student's studies' is the first "study" day following the last actual day of study
Provider decision to cease student enrolment	<ul style="list-style-type: none"> <li>- Student has Died</li> </ul>	The 'date of termination of a student's studies' is the first "study" day following the last actual day of study

## Student Decision to terminate the studies

Termination of Studies	SCV Reason	Last day of School and Termination dates
Termination of Students study prior to completing the course (ie prior to the CoE end Date)	- Student completed Course Early	The date of termination of a student will be the next day of last day of the course.
Student Withdraws from course.	- Student left provider – transferred to another provider	The 'date of termination of a student's studies' is the first "study" day following the last actual day of study.  If a student timetable is from Monday through to Wednesday each week. The student advises the provider that they do not wish to continue and decides to terminate the enrolment. If the student's last actual day of study falls on a Monday, the date the student's studies are terminated would be the next "study" day - Tuesday.
Student Withdraws from second semester while studying First semester	- Student notifies cessation of studies	The student advises during semester one that they will not be returning to study with the provider in semester two. Where a student informs the provider during semester one that they will not continue studies in a future semester, the provider is unable to process the SCV reporting for the student in PRISMS until the student's last actual day of study has passed.
Student withdraws from currently studying course	- Student notifies cessation of studies	The 'date of termination of a student's studies' is the first "study" day following the last actual day of study.