

## Policy

- National Code 2018 (Standard 9) allows students, where compassionate or compelling circumstances exist, to defer commencement of studies, temporary suspension of their studies during their program (take leave from studies). This must be completed through a formal agreement process with YES College. Students must be advised that deferring, temporarily suspending their studies during their program may affect their student visa.
- YES College may also seek to cancel or suspend the student's enrolment for disciplinary reasons which are explained in detail in the Procedure below.
- This procedure outlines the circumstances for the application, assessment and approval of the deferment, suspension, or cancellation of enrolment, either instigated by the student or YES College and subsequent reporting requirements via the Provider Registration and International Student Management System (PRISMS).

## Requirements- ESOS National Code 2018 (Standard 9)

- 9.1 *A registered provider must have and implement a documented process for assessing, approving and recording a deferment of the commencement of study or suspension of study requested by an overseas student, including maintaining a record of any decisions.*
- 9.2 *A registered provider may defer or suspend the enrolment of a student if it believes there are compassionate or compelling circumstances.*
- 9.3 *A registered provider may suspend or cancel a student's enrolment including, but not limited to, on the basis of:*
- 9.3.1 *misbehaviour by the student*
  - 9.3.2 *the student's failure to pay an amount he or she was required to pay the registered provider to undertake or continue the course as stated in the written agreement*
  - 9.3.3 *a breach of course progress or attendance requirements by the overseas student, which must occur in accordance with Standard 8 (Overseas student visa requirements).*
- 9.4 *If the registered provider initiates a suspension or cancellation of the overseas student's enrolment, before imposing a suspension or cancellation the registered provider must:*
- 9.4.1 *inform the overseas student of that intention and the reasons for doing so, in writing*
  - 9.4.2 *advise the overseas student of their right to appeal through the provider's internal complaints and appeals process, in accordance with Standard 10 (Complaints and appeals), within 20 working days.*
- 9.5 *When there is any deferral, suspension or cancellation action taken under this standard, the registered provider must:*

- 9.5.1 *inform the overseas student of the need to seek advice from Immigration on the potential impact on his or her student visa*
- 9.5.2 *report the change to the overseas student's enrolment under section 19 of the ESOS Act.*
- 9.6 *The suspension or cancellation of the overseas student's enrolment under Standard 9.3 cannot take effect until the internal appeals process is completed, unless the overseas student's health or well-being, or the wellbeing of others, is likely to be at risk.*

## Purpose

### 1. To enable students to:

- defer their enrolment prior to the course start date
- suspend their studies during the course through the formal agreement in certain limited circumstances
- request for cancellation of their enrolment

### 2. To enable YES College to:

- defer an enrolment where the course is not being offered at the proposed date, site, or any other reason the **YES College** deems necessary to cancel the course
- suspend a student's studies on the grounds of misbehaviour or in any breach of Student Code of Conduct/Disciplinary reasons.
- Cancel a student's enrolment where a breach of Student Code of Conduct is severe
- the student's failure to pay an amount he/she is required to pay the **YES College** to undertake or continue the course as stated in the written agreement
- a breach of course progress or attendance requirements by the overseas student, which must occur in accordance with Standard 8 (Overseas student visa requirements). *Please refer to Monitoring Course Progress Policy and Procedure and Monitor Attendance Policy and Procedures.*

In provider (**YES College**) initiated deferment, suspension or cancellation, Students are able to access the Complaints and Appeals procedure if they feel that the decision is unfair or they have other grounds to appeal the decision.

- ✓ The **YES College** must only report unsatisfactory Course Progress/Attendance in PRISMS in accordance with section 19(2) of the ESOS Act if:
  - the internal and external complaints processes have been completed and the decision or recommendation supports the registered provider, or
  - the overseas student has chosen not to access the internal complaints and appeals process within the 20 working day period, or
  - the overseas student has chosen not to access the external complaints and appeals process, or
  - the overseas student withdraws from the internal or external appeals processes by notifying the registered provider in writing.

## Key Policy Statements:

- **YES College** will inform the student that deferment, suspension or cancellation of enrolment may affect his or her student visa.
- Where **YES College** decides to initiate the suspension or cancellation of a student's enrolment, it must notify the student of its intention and allow the student 20 working days to access the provider's internal complaints and appeals process unless circumstances relating to the student's welfare apply.
- If the student appeals against the provider's decision to suspend or cancel his/her studies using **YES College's** complaints and appeals form, **YES College** will not report the student's enrolment via PRISMS course variation to Department of Education and Training and Department of Home Affairs (DHA) until the complaints and appeals process is completed.
- **YES College** will report student's course variation via Provider Registration and International Students Management System (PRISMS) when a student's enrolment is deferred, suspended or cancelled.
- For the purposes of this policy –

Compassionate or compelling circumstances include but are not limited to:

- Serious illness or injury, where a medical certificate states that the student was/is unable to attend classes or unfit for regular occupation;
- 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; 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 student (these cases should be supported by police or psychologists' reports)
- Where the **YES College** is unable to offer a pre-requisite unit

## Note:

- a. The above are only some of the examples of what may be considered compassionate or compelling circumstances. The Operations Manager will use his/her professional judgment and assess each case on its individual merits. When assessing the existence of compassionate or compelling circumstances, **YES College** will consider documentary evidence provided to support the claim, and should keep copies of these documents in the student's file.
- b. All students' requests for deferment/ suspension/cancellation must be made using "**Application to Defer, Suspend or Cancel Enrolment Form**". Only completely filled forms submitted along with the supporting documents to the administration department will be processed.

## Procedures

### 1. Student Initiated Deferral, Suspension or Cancellation of Enrolment

#### 1.1 Student Deferral

- A student wishing to defer his/her enrolment must do so prior to the commencement of the course. Students must complete an 'Application to defer, suspend or cancel Enrolment Form' and submit to the Student Administrations Department along with Supporting Documents.
- Students may apply for the deferment in compassionate or compelling circumstances or where there is a delay in granting of student visa from DHA.
- All documents related to the student's suspension are kept on the student's file and the decision to defer the enrolment as a result of the student's request reported via Provider Registration and International Students Management System (PRISMS).

#### 1.2 Student Suspension

- Students who would like to suspend their studies must first speak to a staff member in Student Administration to obtain an application form and to ensure they understand:
  - ✓ the implications of suspension on the student enrolment and
  - ✓ the need to seek advice from Immigration on the potential impact on his or her student visa.
- An '**Application to Defer, Suspend or Cancel Enrolment Form**' must be completed which will need to be approved by the Operations Manager/Student administrator. This application must include in detail the 'compassionate or compelling circumstances'.
- Where a suspension of enrolment is granted, the **YES College** 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.
- Students are to be informed in writing of the outcome of their application for suspension and informed that it may affect their student visa status.
- All documents related to the student's suspension are kept in the student's file and the decision to suspend the enrolment as a result of the student's request reported via Provider Registration and International Students Management System (PRISMS).
- The student has 20 working days to access the **YES College's** Complaints and Appeals process if they are not satisfied with the **YES College's** assessment of their application.

## 1.3 Student Cancellation

- Students wishing to cancel their enrolment must complete an '**Application to Defer, Suspend or Cancel Enrolment Form**' and submit to the Student Administrations Department.
- Students wishing to cancel their enrolment prior to completing 6 months of study in their principal course must provide a valid letter of offer from an alternative provider. This is required under Standard 7 of the National Code 2018. *Please refer to Transfer between Registered Providers Policy and Procedures.*
- All documents related to the student's cancellation are kept in the students file and the decision to cancel the enrolment as a result of the student's request is reported via Provider Registration and International Students Management System (PRISMS).

## 2. Provider Initiated Deferral, Suspension or Cancellation of Enrolment

### 2.1 Provider Deferral/Provider Default

- **YES College** may defer an enrolment where the course is not being offered at the proposed date, site, or any other reason the **YES College** deems necessary to cancel the course. Refer to **YES College's** Refund policy for information regarding refunds in case of provider-initiated deferral/Suspension/Cancellation.

### 2.2 Provider Suspension

- **YES College** has the ability to suspend a student's enrolment on the grounds of:
  - misbehaviour or in any breach of Student Code of Conduct. 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.
  - the student's failure to pay an amount he or she was required to pay the YES College to undertake or continue the course as stated in the written agreement
  - a breach of course progress or attendance requirements by the overseas student, which must occur in accordance with Standard 8 (Overseas student visa requirements).
- Where there is a violation of the Student Code of Conduct by a student, the Operations Manager shall be informed and will make a decision on the penalty and the severity of the penalty. 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 in breach of Student Code of Conduct, **YES College** 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 a proper inquiry by the Operations Manager to have so behaved.
- Past misconduct is not taken as 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.
- The students are able to access the Complaints and Appeals procedure if they feel that the decision is unfair or they have other grounds to appeal the decision.
- The student has 20 working days to appeal **YES College's** decision of suspending the enrolment due to misbehaviour
- The penalties which may be imposed by the Operations Manager are:
  - A warning, deemed NYC in the unit, or suspension of enrolment in the acts of cheating or plagiarism
  - A charge for any costs that the general misconduct may have caused
  - Temporary exclusion from **YES College** in the form of suspending enrolment for a period of time.
- DHA's 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).
- Where the severity of misconduct is severe, the Operations Manager may decide to cancel the Student enrolment

**Note:** Students are advised to contact DHA immediately to work out their obligations and further visa-related alternatives.

### 2.3 Provider Cancellation

In some cases where the student's misconduct is severe, YES College has the right to cancel the student enrolment on the grounds of:

- misbehaviour or in any breach of Student Code of Conduct. 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.
- the student's failure to pay an amount he or she was required to pay the YES College to undertake or continue the course as stated in the written agreement
- a breach of course progress or attendance requirements by the overseas student, which must occur in accordance with Standard 8 (Overseas student visa requirements).
- Non-Resumption of Studies: The student failed to resume studies on the due date (Deferment/Suspension End date) and the student failed to seek YES College approval for further deferment/Suspension of 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 the **YES College** to cancel the student's enrolment along with the grounds of decision
- The student must be informed about their right to appeal the decision by accessing the relevant procedures and completing this appeal within 20 working days of the notification (*Please refer to Complaint and Appeal Policy and Procedures*).
- Students must also be informed about **YES College's** intention to notify the Department of Education and Training (DET) and Department of Home Affairs (DHA) of the change of enrolment status and to seek advice from Immigration on the potential impact on his or her student visa.

### 3. Recording and reporting deferrals, suspension or cancellation of enrolments

- All applications of "Deferment, Suspension and Cancellation Outcome" are to be kept in the student's file.
- All reports of misconduct, decisions and actions taken in relation to misconduct, and other related documentation must be kept on file.
- Any decisions to initiate deferral, suspension or cancellation of an enrolment must be reported to Department of Education and Training (DET) and Department of Home Affairs (DHA) via PRISMS.
- 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 an appeal.
- The suspension or cancellation of the overseas student's enrolment under [Standard 9.3 \(National Code 2018\)](#) cannot take effect until the internal appeals process is completed, unless the overseas student's health or wellbeing, or the wellbeing of others, is likely to be at risk.

#### **This Policy need to be read in conjunction with following Policies**

- Fee Payment Policy and Procedure
- Student Code of Conduct
- Monitoring Course Progress Policy and Procedures
- Monitoring Attendance Policy and Procedures
- Compassionate and Compelling Circumstances
- Complaint and Appeal Policy and Procedures

#### **Reference:**

This policy/procedure supports 'Standard 9' of the 'National Code of Practice for Providers of Education & Training to Overseas Students 2018.

#### **Documents/Forms:**

1. Application to Defer, Suspend or Cancel Enrolment Form
2. Complaints and Appeals Form

3. Complaint and Appeal Policy and Procedures
4. Compassionate and Compelling Circumstances Policy and Procedures
5. Appendices