

## Suspension, Deferment or Cancellation Policy

Approved by	Academic Board
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Previous approval date(s)	07/11/2016, 06/2015, 15/10/2018, 16/01/2019
Date for Review	2029
Responsible Officer(s) and Committee(s)	Director of Student Services Student Support and Administration Committee
Related documents	Enrolment Policy Overseas Student Refund Policy Marketing to Domestic and Overseas Students Policy Orientation Policy and Procedures Monitoring Course Progress Policy Students at Academic Risk Policy and Procedures ESOS Act (2000) National Code (2018)
Higher Education Standards (2021)	1.1 Admission 1.3 Orientation and Progression 2.4 Student Grievances and Complaints 5.3 Monitoring, Review and Improvement (Student Progress) 7.2 Information for Prospective and Current Students
National Code (2018)	Standard 8 Overseas Student Visa Requirements Standard 9 Deferring, suspending or cancelling an overseas student enrolment Standard 10 Complaints and Appeal

### 1. Purpose

- 1.1 This policy ensures that University College complies with the Education Services for Overseas Students Act 2000 and the requirements of Standard 9 of the National Code of Practice 2018. This Standard sets out that registered providers must appropriately manage the enrolment of their overseas students and ensure all necessary information about enrolments has been provided to the relevant government department by maintaining updated information in the Provider Registration and International Student Management System (PRISMS) database.

## 2. Scope

2.1 This policy and procedure applies to:

- (a) all staff of the University College and its Member Institutions involved in assessing the admission and enrolment applications of an overseas student especially those studying onshore with a student visa supplied through an associated Confirmation of Enrolment (CoE) supplied by the University College; and
- (b) international students studying on a student visa, who are enrolled with University College directly or through one of its Member Institutions.

## 3. Definitions

3.1 The Policy Document Glossary applies to this policy.

3.2 The following definitions also apply to this policy:

Term	Definition
<i>Compassionate and compelling circumstances</i>	<p>Personal circumstances that are involuntary and outside the student's control such as medical, family, wellbeing, or enrolment reasons (such as course and/or unit progression). These circumstances present a student with limited or no choice but to vary their enrolment or intermit their studies. As outlined by the National Code of Practice (2018) these could include, but are not limited to:</p> <ul style="list-style-type: none"><li>• serious illness or injury where the overseas student is unable to attend classes (medical certificates)</li><li>• bereavement of close family members (possibly a death certificate)</li><li>• major political upheaval or natural disaster in home country</li><li>• a traumatic experience, for example involvement in or witnessing a serious accident/crime (police or psychologist report)</li><li>• the University College and its Member Institutions are unable to provide the pre-requisite units, or the overseas student has failed a pre-requisite unit and therefore faces a shortage of relevant units for which they are eligible to enrol</li><li>• inability to commence study on the commencement date due to visa delays</li></ul>
<i>Confirmation of Enrolment (CoE)</i>	<p>A document, provided electronically, which is issued by the registered provider to intending overseas students and which must accompany their application for a student visa. It confirms the overseas student's eligibility to enrol in the particular course of the registered provider.</p>

<p><i>CRICOS</i></p>	<p><i>Commonwealth Register of Institutions and Courses for Overseas Students</i></p> <p>A searchable database, run by the Australian Government, which lists all Australian education providers (and their courses) for people studying in Australia on student visas. The CRICOS database operates under the ESOS Act (2000), section 14a.</p>
<p><i>Domestic Student (onshore or offshore)</i></p>	<p>Students classified as 'domestic' include:</p> <ul style="list-style-type: none"> <li>• Australian citizen (including Australian citizens with dual citizenship)</li> <li>• New Zealand citizen or a diplomatic or consular representative of New Zealand, a member of the staff of such a representative or the spouse or dependent relative of such a representative, excluding those with Australian citizenship (Note: includes any such persons who have Permanent Resident status)</li> <li>• a permanent humanitarian visa holder</li> <li>• a holder of a permanent visa other than a permanent humanitarian visa</li> </ul> <p>Additional rules:</p> <ul style="list-style-type: none"> <li>• IF an Australian or New Zealand citizen - does not require a visa to study 'onshore'</li> <li>• IF an Australian citizen - and residing overseas classified as 'domestic offshore' and needs to be enrolled in an online award.</li> <li>• IF an Australian citizen is entitled to Fee-Help, but if residing overseas must complete at least one unit of study 'onshore' in Australia.</li> <li>• Only Australian citizens are entitled to Fee-Help</li> </ul>
<p><i>ESOS Act (2000)</i></p>	<p><i>Education Services for Overseas Students (ESOS) Act 2000</i></p> <p>The legal framework which governs the delivery of education to overseas students studying in Australia on a student visa. The framework sets out clear roles and responsibilities for providers of education and training to international students and complements Australia's student visa laws.</p>
<p><i>International Student (offshore)</i></p>	<p>A non-domestic student who is residing overseas and studies wholly online and does not intend to come to Australia to study (classified as offshore).</p> <ul style="list-style-type: none"> <li>• Does not require a visa to study because they reside/study 'offshore'</li> <li>• Is not entitled to Fee-Help</li> </ul>

<p><i>National Code (2018)</i></p>	<p><i>National Code of Practice for Providers of Education and Training to Overseas Students 2018</i></p> <p>Provides nationally consistent standards for the conduct of registered providers and the registration of their courses. These standards set out specifications and procedures to ensure that registered providers of education and training courses can clearly understand and comply with their obligations.</p>
<p><i>Overseas Student (onshore)</i></p>	<p>A Non-Australian Citizen who is a student residing in Australia during their course of study (classified as onshore). Includes those students ‘intending to study’ and are in the process of gaining a CoE and/or student visa.</p> <ul style="list-style-type: none"> <li>• Requires a visa to study ‘onshore’ (either a ‘student’ or ‘other’ visa type)</li> <li>• If on a ‘student’ visa (i.e. 500 subclass) must only be enrolled in a CRICOS registered award</li> <li>• Is subject to requirements as outlined in the ESOS Act (2000) and National Code (2018)</li> <li>• Is not entitled to Fee-Help</li> </ul>
<p><i>PRISMS</i></p>	<p><i>Provider Registration and International Students Management System</i></p> <p>A system operated by the Australian government that provides education providers with CoE facilities required for compliance with the ESOS legislation.</p>
<p><i>Student</i></p>	<p>A person with a current course of enrolment with the University College through one of its Member Institutions. Includes all types of students, in all modes of study, may or may not be a visa-holder, and studies either onshore or offshore.</p> <p>The following terms are used to identify ‘types of students’:</p> <ul style="list-style-type: none"> <li>• <i>domestic</i> student (onshore or offshore)</li> <li>• <i>international</i> student (offshore)</li> <li>• <i>overseas</i> student (onshore, holds either a ‘student’ or ‘other’ visa)</li> </ul>
<p><i>Visa - (subclass 500)</i></p>	<p>Students on a student visa (subclass 500).</p> <ul style="list-style-type: none"> <li>• A visa granted to non-Australian citizens residing and studying in Australia full-time</li> <li>• Course of study must be CRICOS registered</li> <li>• Cannot study more than 1/3 of Course online</li> </ul>
<p><i>Visa - Other</i></p>	<ul style="list-style-type: none"> <li>• Other visas (excluding Humanitarian) that allow study in Australia (e.g. Occupational Trainee 407) where a student is studying as part of their work placement.</li> <li>• Course of study is not required to be CRICOS registered.</li> </ul>

## 4. Statements and Objectives

- 4.1 The University College and its Member Institutions will, in certain limited circumstances, enable students to defer or temporarily suspend their studies during the course.
- 4.2 Cancellation or suspension of a student's enrolment may be initiated by the student or the College. The University College may suspend or cancel a student's enrolment due to academic misconduct, which includes, but is not limited to: plagiarism, cheating, fraud, improper behaviour, misrepresentation, and unethical behaviour.
- 4.3 Where a suspension or cancellation of a student's visa is not initiated by the student, the University College and its relevant Member Institution will notify the student in writing that he or she has 20 working days in which to access the complaints and grievances process and may continue in the course until any grievances are finalized, unless the student's health or wellbeing or the wellbeing of others is likely to be at risk, according to Standard 9 of the National Code 2018.
- 4.4 The University College and its relevant Member Institution will inform the Department of Home Affairs (DHA) via PRISMS when a student's enrolment is deferred, temporarily suspended, or cancelled. The University College and its relevant Member Institution will inform the overseas student to seek advice from the DHA to the potential impact on their visa.
- 4.5 The University College and its relevant Member Institution will maintain records of all actions in the suspending, deferring, or cancelling an overseas student's enrolment.

### Procedures:

- 4.6 Assessing, approving and reporting a deferment of the commencement of study or a temporary suspension of study
  - (a) An overseas student must apply in writing to their Teaching Body in the University College with a request to defer commencement of study or for a temporary suspension of study.
  - (b) Deferral or temporary suspension will only be granted on the grounds of compassionate or compelling circumstances which includes:
    - serious illness or injury where the overseas student is unable to attend classes (medical certificates)
    - bereavement of close family members (possibly a death certificate)
    - major political upheaval or natural disaster in home country
    - a traumatic experience, for example involvement in or witnessing a serious accident/crime (police or psychologist report)
    - the University College and its Member Institutions are unable to provide the pre-requisite units, or the overseas student has failed a pre-requisite unit and therefore faces a shortage of relevant units for which they are eligible to enrol
    - inability to commence study on the commencement date due to visa delays

- (c) The relevant Member Institution will make a decision about the eligibility of the student to receive a deferral or temporary suspension based on the provision of documentary evidence in support of the claim and keep copies of these documents and decisions in the student's file.
- (d) The student will be sent a written response informing him or her of the decision.
- (e) The student will be informed that deferring or suspending his or her enrolment may affect his or her student visa and that they should seek advice from the DHA.
- (f) The University College and its relevant Member Institution will notify DHA via PRISMS where the student's enrolment is deferred or temporarily suspended.
- (g) The student's request and the College response will be recorded.

#### 4.7 Assessing, approving and reporting a cancellation of a student's enrolment

- (a) Either a student or the College may initiate the cancellation of a student's enrolment.
- (b) The University College and its Member Institutions may choose to cancel a student's enrolment based on misbehaviour of the overseas student which includes academic misconduct (includes, but is not limited to: plagiarism, cheating), fraud, improper behaviour, misrepresentation, unethical behaviour, failure to pay the required amount to undertake or continue the course as stated in the written agreement, or breach course progress requirements. Evidence of relevant misbehaviour must be demonstrated, and documentation held on the student's file.
- (c) Where the cancellation is initiated by the University College, the student will be sent a written notice to:
  - Inform the student of the University College's intention to cancel the student's enrolment
  - Inform the student of the right to appeal the University College's decision under the Student Grievance Procedures (in keeping with Standard 9 of the National Code 2018)
  - Inform the student that he or she has 20 working days in which to access the complaints and appeals process and may continue in the course until any appeals are finalised.
- (d) Where the cancellation is initiated by the student, the student will be informed that cancelling his or her enrolment may affect his or her student visa and DHA will be notified via PRISMS within 14 days of the student- initiated cancellation / deferment / suspension.
- (e) After the 20 working days have passed and the student has not chosen to access the complaints and appeals processes, or has withdrawn from the process, or the process is completed and results in a decision supporting the University College's initial determination, the University College and the relevant Member Institution will inform DHA through PRISMS of the cancellation of the student's enrolment as soon as possible.
- (f) The cancellation may take effect before the 20 working days have passed where extenuating circumstances relating to the welfare of the student apply.
- (g) Documentation of the initiation of the cancellation by the student or the University College and its processing by the University College will be kept in the University College's records.

## **Record Keeping**

- 4.8 The University College and its Member Institutions will maintain all documentation and records of decisions relating to the suspension, deferment or cancellation of a student's enrolment.