

REFUSAL, DEFERRAL, SUSPENSION AND CANCELLATION OF STUDENT ENROLMENT POLICY AND PROCEDURE

Approving authority	School Council
Purpose	This policy and procedure has been developed to meet the requirements of Standard 9 of the National Code 2018 and the ESOS Act.
Responsible Officer	Principal and Academic Director
Associated documents	Attendance Policy and Procedure Academic Progress Policy and Procedure Refund Policy and Procedure Student Behaviour Management Policy and Procedure (including Student Code of Conduct) Student Complaints and Appeals Policy and Procedure Student Support and Services Policy and Procedure Transfer between Registered Providers Policy and Procedure Younger student and Homestay Policy and Procedure Records Management Policy and Procedure

1. RATIONALE

This Ozford College (the College) policy has been developed to provide guidelines for staff and students on refusal, deferral, suspension and cancellation of student enrolment, and to meet the requirements of the ESOS Act and Standards 7, 8 and 9 of the National Code 2018.

2. SCOPE

This policy and procedure applies to all staff and both domestic and international students but is based on the requirements that must be met with respect to international students.

External notifications and references to Confirmation of Enrolment (CoE) apply to international students only, except where indicated to the contrary.

3. POLICY

- 3.1 The College acknowledges that students are able to initiate deferral, suspension or cancellation of their studies in certain limited circumstances as described in this policy.
- 3.2 Students may have their enrolment refused, suspended or cancelled by the College due to not meeting admissions requirements, misconduct, and breach of student visa conditions, failure to pay fees or unsatisfactory academic performance.
- 3.3 Compassionate or compelling circumstances are generally those beyond the control of the student and which have an impact upon the student's course progress or wellbeing. These could include, but are not limited to:
 - serious illness or injury, where a medical certificate states that the student was unable to attend classes;
 - bereavement of close family members such as parents or grandparents;

- 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 that has impacted on the student which could include involvement in, or witnessing of a serious accident; and witnessing or being the victim of a serious crime, supported by police or psychologist's reports; or
- where the Ozford was unable to offer a pre-requisite unit.

Student initiated deferral, suspension or cancellation

- 3.4 Students can apply for deferral, suspension or cancellation of their studies on the basis of:
- their student visa is not granted;
 - compassionate or compelling circumstances;
 - if the student is unable to continue with their enrolled courses; or
 - in the case of a transfer to another provider – See Transfer between Registered Providers Policy and Procedure for this process.
- 3.5 The **Application for Deferral, Suspension and Cancellation of Student Enrolment form** should be completed and submitted by the student (or their family for students under 18 years of age) at least 10 working days before the proposed Deferral, Suspension and Cancellation date for the application to be processed.
- 3.6 For students who are younger than the age of 18, the approval of the student's family (parent(s)/guardian(s)) is required before the application is processed.
- 3.7 The College will assess each case on its individual merits to decide if the deferral or suspension or cancellation of study can be granted due to compassionate or compelling circumstances.
- 3.8 When there is any deferral, suspension or cancellation action taken under this policy in regard to an international student, the College must:
- inform the international student of the need to seek advice from Immigration on the potential impact on his or her student visa;
 - report on the change to the overseas student's enrolment under section 19 of the ESOS Act via PRISMS.
 - keep records of the decision in the student management system.
- 3.9 Students who are dissatisfied with the outcomes of their application for deferral, suspension or cancellation of their enrolments may appeal the decisions using the **Student Complaints and Appeals Policy and Procedure**.
- 3.10 The deferral, suspension or cancellation of an overseas student's enrolment cannot take effect until any internal appeals process is completed, unless there are extenuating circumstances where students or other students/ staff health or wellbeing, is likely to be at risk.
- 3.11 Extenuating circumstances' relating to the welfare of the student, or the welfare of others may include, but are not limited to the following. The student:
- refuses to maintain approved care arrangements, if they are under 18 years of age;
 - is missing;

- has engaged or threatens to engage in behaviour that is reasonably believed to endanger the student or others; or
- is at risk of committing a criminal offence.

Ozford College initiated refusal, deferral, suspension or cancellation.

- 3.12 The College may refuse enrolment of a student, if the student does not meet the application requirements and on the grounds of unsuitable characteristics, such as evidence of violent behaviour or involvement in criminal activity.
- 3.13 The College may suspend or cancel a students' enrolment in the following circumstances, including but not limited to:
- default by student as described in Terms of Conditions of Enrolment;
 - student misconduct;
 - a breach of attendance or course progress;
 - the student cannot complete the course within the agreed duration;
 - the student has failed to pay an amount he or she was required to pay to undertake or continue the course as stated in the Acceptance Agreement;
 - The student is under the age of 18 years and will not reside in an approved homestay arrangement; or
 - default by Ozford as described in Terms of Conditions of Enrolment;
- 3.14 Matters relating to misconduct by the student are addressed in the Student Code of Conduct in the **Student Behaviour Management Policy and Procedure**.
- 3.15 Matters relating to a breach of attendance requirements are addressed in the **Attendance Policy and Procedure**.
- 3.16 Matters relating to a breach of academic progress requirements are addressed in the **Academic Progress Policy and Procedure**.
- 3.17 If the College initiates a suspension or cancellation of the student's enrolment, before imposing a suspension or cancellation, the College must:
- inform the student of the intention to report and the reasons for doing so, in writing; and
 - advise the student of their right to appeal through the complaints and appeals process within 20 working days.
- 3.18 For students who are younger than the age of 18, the student's family (parent(s)/guardian(s)) will be informed of the process.
- 3.19 Students (or families for under age students) who are dissatisfied with the decision to initiate suspension or cancellation of their enrolments may appeal the decisions using the complaints and appeals processes. The suspension or cancellation of the student's enrolment cannot take effect until the internal appeals process is completed, unless the student's health, or the wellbeing of others, is likely to be at risk.
- 3.20 When there is any deferral, suspension or cancellation action taken, and if the student is on a student visa, the College must inform the student of the need to seek advice from Immigration, on the potential impact on their student visa and to report the change of the enrolment via PRISMS under section 19 of the ESOS Act.

- 3.21 The College will maintain a record of any decision to refuse, defer, suspend or cancel an enrolment in the student management system.
- 3.22 If a course will not commence on the Agreed Starting day, the College will offer the student the option of
- Commencement on another date;
 - Another option for study such as another suitable Ozford course; or
 - Provide a refund in accordance with the Refund Policy and Procedure
- 3.23 If a course has commenced but is no longer able to be provided at any time after it starts but before it is completed, the College will offer the student the option of:
- Commencement on another date
 - Rescheduling into another cohort of students
 - Another option for study such as another suitable Ozford course; or
 - Provide a refund in accordance with the Refund policy and procedures\
- 3.24 If a course is not provided in full to the student because a sanction has been imposed on the College under Part 6 of the Education Services for Overseas Students Act 2000 (Cth), the College will comply with the requirements of the Regulator and/or Tuition Protection Scheme Manager.
- 3.25 Under section 46A of the ESOS Act the College defaults, in relation to an overseas student or intending overseas student and a course at a location, if:
- The provider fails to start providing the course to the student at the location on the agreed starting day; or
 - After the course starts but before it is completed, it ceases to be provided to the student at the location; and the student has not withdrawn from the course before the default day.
- 3.26 Under section 46B of the ESOS Act, the College must notify the Secretary via PRISMS and the Tuition Protection Services Director in writing of the default within 3 business days of the default occurring. Under section 46B students also need to be notified in relation to the default. The notices to the Tuition Protection Services Director and students will be in writing and meet the requirements of Section 46B.
- 3.27 Under section 46D of the ESOS Act, the College has 14 days after the day of the default (the provider obligation period) to satisfy the tuition protection obligations to the student.
- 3.28 The College will within 7 days after the end of its obligation period, give a notice to the Secretary and the Tuition Protection Services Director of the outcome of the discharge of its obligations. This notice will comply with the requirements of section 46F.
- 3.29 If the College does not meet its obligations affected students may be assisted by the Tuition Protection Services Director.

4. PROCEDURE

4.1 Student Initiated Deferral

- 4.1.1 A student wishing to defer an enrolment must do so prior to the commencement of the course. Students must complete an '**Application of Deferral of Study Form**' and submit it to the Marketing and Admissions Department. The student's parent(s)/guardian(s) signatures are required if student is under the age of 18.
- 4.1.2 If the application is granted, the student will be informed of the need to seek advice from Immigration on the potential impact on his or her student visa.
- 4.1.3 Records will be kept in the student's file in the student information system and in PRISMS, of the decision to defer the enrolment as a result of the student's request.
- 4.1.4 Where a suspension of enrolment is not granted, Ozford will inform students accordingly and students will be advised of their rights to complain or appeal.
- 4.1.5 Where necessary, a new CoE will be issued.

4.2 Student Initiated Suspension

- 4.2.1 Once a student has started his or her course at the College, the student is only able to temporarily suspend his or her enrolment on the grounds of compassionate or compelling circumstances.
- 4.2.2 If the requested suspension is longer than 12 months, then the student will be required to withdraw from the course and reapply when they are ready to return.
- 4.2.3 Students who wish to suspend their studies must complete an application form and supply supporting documentary evidence. The student's parent(s)/guardian(s) signatures are required if student is under the age of 18. Applications with no supporting documentary evidence cannot be processed. The application is submitted to the Student Services team.
- 4.2.4 The Student Service Coordinator will assess each case on its individual merits. When determining whether compassionate or compelling circumstances exist, Ozford will consider documentary evidence provided to support the claim and will keep copies of these documents in the student's file. The application will be approved for an agreed period of time - to a maximum of 12 months
- 4.2.5 If the application is granted, the student will be informed of the need to seek advice from Immigration on the potential impact on his or her student visa.
- 4.2.6 Where a suspension of enrolment is not granted, Ozford will inform students accordingly and students will be advised of their rights to complain or appeal.

Where necessary, a new CoE will be issued.

4.3 Student Initiated Cancellation

4.3.1 Students who wish to cancel their enrolment must complete and submit the **Application for Course Withdrawal Form** to the Admissions department. The student's parent(s)/guardian(s) signatures are required if student is under the age of 18.

4.3.2 An international student who wishes to cancel his or her enrolment prior to completing the first six months of his or her 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 obtained from the **Transfer between Registered Providers Policy and Procedure**.

4.3.3 The student will be informed of

- the need to seek advice from Immigration on the potential impact on his or her student visa.
- If the overseas student is under 18 years of age and transferring to another provider:
 - the transfer date for welfare arrangements must ensure there is no gap; and/or
 - inform the student of their visa obligation to maintain their current welfare arrangements until the transfer date or have alternate welfare arrangements approved or return to their home country until the new approved welfare arrangements take effect.

4.4 Ozford College Initiated Suspension or Cancellation

4.4.1 The College may initiate a suspension or cancellation of students' enrolment in the following circumstances, including, but not limited to:

- Misbehavior by the student;
- A breach of attendance requirements or course progress;
- The student's failure to pay an amount he or she was required to pay to undertake or continue the course as stated in the Acceptance Agreement
- The student's failure to commence the course on the agreed date where the student has not contacted the College to arrange a deferment, suspension or cancellation of study. An international student who ceases attending a course or does not return from leave for the commencement of a new trimester, and is not contactable by the College, has "inactively" advised the College of his/her failure to continue studying.

4.4.2 In some cases where the student's misconduct is severe, the Principal with the endorsement of the Senior Management Team has the right to cancel the student's enrolment and expel the student. Severe misconduct includes but not limited to:

- Acts dishonestly in relation to admission to the College;
- Knowingly makes any false or misleading representation about things that concern the student as a student of the College;
- Alters or provides false statement in any College documents or records;
- Consistently engages in behaviour that bullies, harasses, vilifies, defames, degrades or humiliates another person based on age; breastfeeding; gender;

identity; impairment; industrial activity; lawful sexual activity; marital status; parent/ carer status or status as a carer; physical features; political belief or activity; pregnancy; race; religious belief or activity; sex; sexual orientation; personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the above attributes

- Abuses a child, ie. a child abuse incident.
- Breaches any confidence of the College;
- 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 the College premises while acting as an Ozford student, in a manner which is illegal or which is or will be detrimental to the rights or property of others;
- Causes significant damage to or destruction of facility or property of the College or for which the College is responsible
- Commits or attempts to commit or is knowingly involved in the theft of property
- Possesses, uses or sells or deliberately assists another person to possess, use or sell illicit substances or weapons
- Fails to comply with any clear and reasonable instruction of a staff member so as to pose a danger, whether actual, perceived or threatened, to the health, safety or wellbeing of any person
- Consistently behaves in an unproductive manner that interferes with and poses a danger, whether actual, perceived or threatened, to the health, safety or wellbeing or educational opportunities of any person

4.4.3 If the College initiates a suspension or cancellation of the student's enrolment, before imposing a suspension or cancellation, the College will in writing:

- inform the students and family (parents/guardian of under 18 of that intention and the reasons for doing so, in writing.
- inform the student of their right to appeal through the complaints and appeals process within 20 working days.

4.4.4 Students who feel that the decision is unfair or that they have other grounds to appeal may appeal the decisions using complaints and appeals processes.

4.4.5 No changes to the students' enrolments will be made during the internal appeal process.

4.4.6 The suspension or cancellation of an overseas student's enrolment may take effect before the internal appeals process is completed if the health and wellbeing of the student and/or others are likely to be at risk.

4.5 Cancelling/Ending Welfare Arrangement

4.5.1 If Ozford suspends or cancels the enrolment of a student, Ozford will continue to check the suitability of the welfare arrangements for that student until:

- The student is accepted by another registered provider and that registered provider has approved alternative accommodation, support and general welfare arrangements for the student that will not result in a welfare gap; or
- The student leaves Australia, ie. evidence is supplied of an airline ticket and letter from parents confirming student is leaving Australia permanently; or

- care of the student by a parent or nominated relative is approved by immigration ie. any relevant documentation that proves that other suitable arrangements are made that satisfy the Migration Regulations; OR
- Ozford has notified Immigration under Standard 5.3.6 that it is no longer able to approve the student's welfare arrangements or under Standard 5.5 that it has taken the required action after not being able to contact the student.

4.6 Complaints and Appeals

4.6.1 The **Student Complaints and Appeals Policy and Procedure** sets out the complaints and appeals process.

4.7 Recording and reporting deferments, suspension or cancellation of enrolments

4.7.1 All applications and outcomes will be recorded in the student's file in the student information system.

4.7.2 All reports of incidents, decisions and actions taken in relation to misbehaviour, and other related documentation will be recorded in the student's file in the student information system.

4.7.3 All decisions to initiate deferral, suspension or cancellation of an enrolment will be reported via PRISMS in compliance with the ESOS Act Section 19.

4.7.4 Students will be kept informed of any decisions or outcomes that relate to a deferment, suspension, or cancellation of enrolments.

5. Feedback

Feedback or comments on this policy and procedure is welcomed by the listed responsible officer.