

## Refusal, Deferral, Suspension and Cancellation of Student Enrolment Policy and Procedure

### 1. Rationale

This policy is to provide guidelines for staff and students on refusal, deferral, suspension and cancellation of student enrolment, and to meet the requirements of Standard 9 of the National Code: Deferring, suspending or cancelling the student's enrolment.

### 2. Scope

This policy applies to all students of Ozford.

### 3. Definitions

**'Defer enrolment'** means to temporarily put studies on hold. Postponement of commencement of a course by prospective students who have been offered a place in courses offered by the college and have not yet commenced studies.

**'Suspension of enrolment'** means temporary postponement of enrolment during a course. Suspension of enrolment is not necessarily due to misbehavior, students can also initiate deferral or suspension of enrolment.

**Cancellation of enrolment** is where enrolment is terminated. Cessation of enrolment (course withdrawal).

**Misbehavior** is defined as students who display unacceptable conduct as stated in the Student Handbook and Student Code of Conduct Policy.

**Unauthorised leave of absence** is defined leave not formally approved by Ozford.

For the purpose of reporting on PRISMS, **a student last day of study** is defined as the date the student was no longer an active and participating student in that particular course for which that CoE was issued. While Ozford must not cancel a student's CoE prior to the conclusion of an appeal process as set out in Standard 10 of the National Code, the last actual day of study will not change, unless the student is successful in the appeals process and returns to study at that provider.

**Compassionate or compelling circumstances** are defined as circumstances 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 the student is unable to attend classes; evidenced by a medical certificate. Medical certificates and reports may include doctor/ dentist/ psychologist or counsellor reports appropriate to the medical condition cited (Medical documentation or a psychological report to include a health professional's opinion regarding the student's inability to attend classes for an extended period of time or recommendation of a reduced study load or break from study. Documentation must include the practitioner's name and contact details on official letterhead, the consultation date, student's details and the health professional's clinical opinion as to the approximate dates (specific where possible) of the student's inability to study.

- Bereavement of immediate family members evidenced by a death certificate and evidence of relationship: this may include a letter from a highly regarded, independent member of the community that supports the relationship claims.
- Major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the student's studies. (Evidence sourced from the relevant Australian Government department responsible for foreign affairs of civil war/significant political unrest; or current media articles covering the event.)
- 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 Ozford was unable to offer a pre-requisite unit; or when implementing its intervention strategy for unsatisfactory course progress and the unit the student needs to undertake is not offered until a later date.
- Inability to begin studying on the course commencement date due to delay in receiving a student visa.
- Where the deferral/suspension would benefit the students welfare (at the discretion of Ozford).

**Statutory Declarations** will be accepted in certain circumstances. However, such evidence will be scrutinised within the context of the student's overall academic history, progress and attendance. For students with poor progress and/or attendance, statutory declarations will not be accepted. If it is found that a student is repeatedly requesting suspensions of studies on the basis of statutory declarations which casts doubt on the genuineness of such declarations, the student will no longer be permitted to use statutory declarations as supporting evidence.

**Inability to provide supporting documentation** will result in requests for a suspension of studies being denied. All documentation must be provided at the time of request. In assessing suspension of studies applications, the college may also consider the student's:

- Previous requests for a suspension of studies
- Academic progress history
- Attendance history
- Teacher reports
- Other relevant evidence that assists Ozford in assessing the application.
- Ozford keeps records of documents submitted, as well as outcomes of decisions made. These records and outcomes are kept in the student file.

**The following circumstances will not be considered as compassionate and compelling:**

- Circumstances which are considered to be within the control of a student or which are to be expected in the normal course of the student's academic life.
- Claims unable to be supported by documented evidence. For example, a student claim that they were confused about a term-end date and went on holiday early.
- Claim that the student did not know about Ozford policy and procedures unless the student demonstrates that policy and procedures were never made available to the student.
- Inability to pay tuition fees and financial hardship are not considered compassionate/compelling circumstances as it is a student visa condition to have sufficient funds for study and living purposes. Students who experience financial strain that results negatively on their studies should contact Student Services for support in the first instance.

- Work schedule conflicts with class schedule resulting in student not attending classes. This is not regarded as a circumstance beyond a student's control. International student visa holders must not rely on the proceeds of paid employment in Australia to support their studies or living costs.

#### **4. Policy**

- 4.1 Oxford may only enable students to defer or temporarily suspend their studies, including granting a leave of absence, during the course through formal agreement if it believes there are compassionate or compelling circumstances (e.g. illness where a medical certificate states that the student is unable to attend classes).
- 4.2 Students can only apply for suspension or deferral of enrolment based on the above condition and with supporting evidence attached. Applications with no supporting evidence attached will not be considered.
- 4.3 Oxford may suspend or cancel a student's enrolment under the following circumstances:
- Misbehaviour by the student, as outlined in the Student Code of conduct
  - The student's failure to pay an amount he or she was required to pay Oxford to undertake or continue the course as stated in the written agreement
  - The student breaches course progress or attendance requirements
- 4.4 Application for Deferral, Suspension and Cancellation of Student Enrolment need to be submitted at least 10 working days before the Deferral, Suspension and Cancellation date for the application to be processed (including all supporting documents). Any application received later than this date will not be processed.

#### **Retrospective Suspension of Studies Applications**

- 4.5 A retrospective suspension of studies application is one submitted after the student has taken unapproved leave. Unapproved leave is defined as leave taken without the student being granted a formal suspension of studies.
- 4.6 Backdating of suspension of studies applications will not be accepted except in special circumstances beyond student control. For example, a student who is in a coma as a result of a trauma and unable to contact the school may apply for a retrospective suspension of studies upon their recovery.
- 4.7 If students have taken unauthorised leave of absence, the student will be recorded as absent and reported to Department of Education in accordance with Oxford's Attendance Policy and Procedure and Course Progress Policy and Procedure.
- 4.8 Where the deferral, suspension or cancellation is granted and processed, Oxford will report the student using via the Provider Registration and International Students Management System (PRISMS) system within 7 days of the provider obligation period.

#### **Default by Student**

- 4.9 The student is in default if:
- the course starts on the Agreed Starting Day, but the student does not start the course on that day (and has not previously validly withdrawn);

- the Student withdraws from the course (either before or after the agreed starting day); or
- Oxford refuses to provide, or continue providing, the course to the Student because of one or more of the following events:
  - the Student failed to pay an amount he or she was liable to pay to Oxford, directly or indirectly, in order to undertake the course;
  - the student breached a condition of the student visa such as attendance or course progress requirements; or
  - Student misbehaviour, as outlined in the Student Code of conduct.

4.10 All students are expected to maintain high standards of academic honesty and integrity. Academic misconduct is defined as attempts by students to cheat, plagiarise or otherwise act dishonestly in undertaking an assessment task, or assisting other students to do so. Students are considered guilty of cheating if they seek to gain advantage by unfair means such as copying another student's work, or in any way mislead a teacher about their knowledge, ability or the amount of original work they have done. Any suspected acts of this nature will be investigated and the student will be entitled to natural justice.

4.11 All students are expected to comply with the Oxford Code of Conduct. The Oxford Code of Conduct stresses the importance of treating each other fairly, ethically and with respect and dignity at all times. Oxford expects all students to behave in a mature and responsible manner. Any breach of the Code of Conduct will be investigated and the student will be entitled to natural justice.

4.12 The enrolment of Oxford students can be suspended and cancelled for serious and/or continued misconduct of a nature in breach of Oxford's Code of Conduct. Also, for continued unsatisfactory course progress, continuous absence from scheduled course hours (in line with the Attendance Policy and Procedure)

4.13 All students are responsible for

- Paying fees by the required due date and
- Informing Oxford if students are not able to pay fees by the due date

4.14 Students will be advised of the amount of the payment due by mailed invoice and are expected to make payment on the due date. The non-payment of fees will result in cancellation of enrolment.

4.15 Where the suspension or cancellation is not initiated by the student, Oxford will:

- inform students of its intention to suspend or cancel the student's enrolment and the reasons for doing so in writing; and
- advise the student that he or she has 20 working days to access Oxford's Complaints and Appeals process. If the student accesses the Complaints and Appeals process, the suspension or cancellation of the student's enrolment cannot take effect until the internal process is completed, unless extenuating circumstances relating to the welfare of the student apply.

4.16 Oxford will report the student default via the Provider Registration and International Students Management System (PRISMS), of the default within 7 days of the provider obligation period.

- 4.17 Where student access the appeal process, Ozford will not report the student via PRISMS of a change to the enrolment status until any complaints and appeals process is completed, unless extenuating circumstances relating to the welfare of the student apply.
- 4.18 Extenuating circumstances' relating to the welfare of the student may include, but are not limited to the following. The student:
- is missing;
  - has medical concerns, severe depression or psychological issues which lead Ozford to fear for the student's wellbeing;
  - has engaged or threatens to engage in behavior that is reasonably believed to endanger the student or others; or
  - is at risk of committing a criminal offence.
- 4.19 Any claim of extenuating circumstances will need to be supported by appropriate evidence.
- 4.20 When a deferral, suspension or cancellation is actioned, Ozford will:
- inform the student in writing that deferring, suspending or cancelling his or her enrolment may affect his or her student visa and that they need to seek advice from Immigration (Currently Department of Home Affairs); and
  - report the change via PRISMS.
- 4.21 Ozford will keep any documentary evidence on the student file of the assessment of the application, including the application, any evidence provided, and a record of the decision.
- 4.22 Ozford may refuse enrolment of a student on the grounds of unsuitable characteristics, such as evidence of violent behaviour or involvement in criminal activity.

### **Default by Ozford**

- 4.23 Ozford is in default if the student has not withdrawn before the Default Day and:
- the course does not start on the Agreed Starting Day;
  - the course ceases to be provided at any time after it starts but before it is completed; or
  - the course is not provided in full to the student because a sanction has been imposed on Ozford under Part 6 of the Education Services for Overseas Students Act 2000.
- 4.24 If the course will not commence on the Agreed Starting day, Ozford will offer the student the option of:
- commencement on another date;
  - another option for study such as another suitable Ozford course; or
  - a refund in accordance with the Refund Policy and Procedure.
- 4.25 If a course is not provided in full to the student because a sanction has been imposed on Ozford under Part 6 of the Education Services for Overseas Students Act 2000, Ozford will comply with the requirements of the Regulator and/or Tuition Protection Service. The Tuition Protection Service (TPS) is an initiative of the Australian Government to assist international students whose education providers are unable to fully deliver their course of study.
- 4.26 Ozford defaults (otherwise referred to as provider default) if:

- Ozford 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.

4.27 Ozford must report the default within 3 business days of the default occurring via PRISMS. Students also need to be notified in relation to the default. Ozford has 14 days to discharge its obligations to the student after the default date.

4.28 The notices to the TPS Director and students will be in writing and include:

- the circumstances of the default;
- the details of the students in relation to whom the provider has defaulted;
- advice as to:
  - whether Ozford intends to discharge its obligations to those students; and
  - (if appropriate) how Ozford intends to discharge those obligations.

4.4 The notices to the students will be in writing and comply with any requirements of the Minister.

4.29 Ozford has 14 days after the day of the default (the provider obligation period) to satisfy the tuition protection obligations to the students. Ozford will discharge its obligations to the student if:

- both of the following apply:
  - Ozford arranges for the student to be offered a place in a replacement course at its expense; and
  - the student accepts the offer in writing;

Or

- Ozford provides a refund for the course of any unspent tuition fees received.

4.30 Ozford will within 7 days after the end of its obligation period, report the outcome of the discharge of its obligations. This notice will comply with the requirements of Section 46F.

4.31 If Ozford does not meet its obligations, affected students may be assisted by the TPS Director.

## 5. Procedure

### Deferring a term/semester

5.1 Ozford ONLY enable students to defer or temporarily suspend their studies, including granting a leave of absence, during the course through formal agreement in certain limited circumstances, on the grounds of:

- Compassionate or compelling circumstances (where the student is unable to attend classes;
- Lack of availability of a unit; or
- Delay in obtaining a student visa.



- 5.2 An application with no supporting evidence attached will not be considered.
- 5.3 Students who wish to defer commencement of their studies or suspend their studies must complete a "Course Deferral Application" form. Application for Deferral, MUST be submitted (including all supporting documents) at least 10 working days prior to the Deferral, Suspension and Cancellation date for the application to be processed. Any application received later than this date will not be processed.
- 5.4 The Head of Student Support will make an appointment with the student to discuss their application.
- 5.5 The Head of Student Support will discuss the application with the ELICOS team to avoid/minimize disruption to the student's study program.
- 5.6 If the application meets the requirements of compassionate or compelling circumstances with evidence, the request will be approved, and the student notified in writing. In the letter, the student will be advised to contact Immigration (currently Department of Home Affairs) to seek advice on how this action may affect their visa status.
- 5.7 Students are considered as enrolled until their deferral application is processed and a decision is finalized. Once the deferral is approved, the student will receive a revised Confirmation of Enrolment (CoE) letter and have a new enrolment agreement written to reflect the new commencement date.

### **Academic misconduct**

- 5.8 Students will be formally informed by the teachers of the unit in which the academic misconduct has occurred that their behavior or activities constitute academic misconduct. Refer to the Plagiarism and Cheating Policy and Procedure for further details.
- 5.9 The behavior of students who miss three consecutive scheduled intervention meetings is deemed as academic misconduct.
- 5.10 The teacher will make an appointment for the student to see the ELICOS Coordinator/Head of Department (HOD), who will then interview the student, consult with the teaching staff. The HOD will apply the academic misconduct policy and an outcome may include suspension or cancellation of the student's enrolment.
- 5.11 The student will be notified verbally and in writing of the reasons for outcome and the avenues of appeal under the Complaints and Appeals Policy. In the letter the student will be advised to contact Immigration to seek advice on how this action may affect their visa status.

### **Unacceptable conduct (misbehavior)**

- 5.12 Students are expected to respect other students, staff and property so that learning and teaching can take place freely, safely and without impediment due to the misconduct of others.
- 5.13 Activities classified as general misconduct are described in the Student Code of Conduct in

the Student Handbook.

- 5.14 If a teacher or staff member believes that any misbehavior or misconduct by a student is of concern then the teacher or staff member will complete and Incident Report form and give it to the HOD, who will then interview the student and exercise an option to impose an appropriate penalty, e.g. detention, or undertake any other appropriate course of action to remedy the behavior.
- 5.15 For more serious offences, the HOD will consult with teaching and welfare staff and may then impose a penalty, which may include suspension or cancellation of enrolment of the student (with the approval of the Academic Director).
- 5.16 The student will be notified in writing of the reasons for application of the penalty and the avenues for appeal under the Complaints and Appeals Policy and procedure. In the Letter of Intention to Report to the Commonwealth Department of Education via PRISMS for Unacceptable Conduct, students will be advised to contact Immigration to seek advice about how this action may affect their visa status.

### **Cancellation and Withdrawal Process**

- 5.17 Students are expected to inform Ozford in writing if students wish to terminate their enrolment at Ozford by completing a Student Withdrawal/Cancellation of Enrolment form.
- 5.18 Student enrolment will be processed within 5 days of receiving the form. The student's enrolment will be **cancelled** during the process.
- 5.19 Ozford must notify, in writing, the Secretary of the Department of Education and the TPS Director of the default within 7 days of the provider obligation period.
- 5.20 Students who fail to make tuition fee payment by the due dates will receive reminder telephone calls and a letter from the Accounts office. Consequences of non-payment, including enrolment cancellation will be explained to students.
- 5.21 If a student is absent from college for a period of two weeks for any reason, and/or after failing to return from a deferment, suspension or holiday period, the Student Support team will be notified. The Student Support team will then attempt to contact the student and/or his/her agent and/or guardian (if applicable) to gather information about the student's absence.
- 5.22 If contact has been made and a satisfactory reason for the absence is presented with an expected return date, then no further action will be taken by the Student Support team. If no contact has been possible over a period of two weeks since the student's last attendance was reported to the Student Support team, then the student and his/her agent and/guardian (if applicable) will be informed by e-mail, informing the student that they will be reported through PRISMS as an Active/Inactive Withdrawal for Cessation of Studies.
- 5.23 If a student fails to enroll and/or commence their course within 5 working days (one week) of the scheduled course commencement date without any notification, Ozford deems it as an



Inactive Withdrawal from the course by the student. Ozford will then report via PRISMS for non-commencement of their course.

- 5.24 The Inactive Withdrawal does not apply to those students who have been granted deferment or suspension of their enrolment for that study period.

### **Procedural Fairness**

- 5.25 Procedural fairness will apply in all cases.
- 5.26 Students must be treated fairly, with dignity and with due regard to their privacy.
- 5.27 Students are to be regarded as innocent of the alleged misconduct until they have either admitted to it or been found by proper inquiry of the student conduct committee to have so behaved.
- 5.28 Past misconduct is not evidence that a student has behaved in the same manner again.
- 5.29 Each case is dealt with on its own merits and according to its own circumstances with the provision that the first outcome of misconduct will be more lenient than subsequent instances of misconduct.

### **Outcomes and Penalties for misconduct**

- 5.30 Outcomes and penalties imposed will take into account the nature and the extent of the misconduct.
- 5.31 Outcomes and penalties imposed will take into account the student's stage in the program.
- 5.32 Outcomes and penalties imposed will take into account the conventions of the field of study.
- 5.33 A student's second offence is penalised more severely than their first offence and may result in exclusion from Ozford.

The following outcome and penalties may be imposed: a warning, a reduction in grades, receiving zero for an assessment event, failing the unit, exclusion from Ozford.

- 5.34 The Head of the Department may impose the penalty of permanent exclusion from Ozford in the case of physical or verbal abuse of students or staff of Ozford, repeated or severe misconduct, or in the case of criminal acts.

### **Notification of student and appeal grounds**

- 5.35 If an overseas student or intending overseas student defaults, Ozford will notify within 7 days of the provider obligation period using PRISMS of the default occurring including:
- The course starts on the Agreed Starting Day, but the student does not start the course on that day (and has not previously validly withdrawn)
  - The student withdraws from the course (either before or after the agreed starting day); or
  - Ozford refuses to provide, or continue providing, the course to the student because of one or more of the following events:

- the student failed to pay an amount he or she was liable to pay to Ozford, directly or indirectly, in order to undertake the course;
- the student breached a condition of his or her student visa; or
- misbehavior by the student.

5.36 Students will be notified in writing of any suspension or cancellation of enrolment as a consequence of misbehavior. Students will be advised to contact DIBP to seek advice on how this action may affect their visa status.

5.37 If the student chooses to access the appeals process, Ozford will maintain the student's enrolment until the internal and external appeals process is completed (and has supported Ozford's intention to suspend or cancel the student's enrolment). To 'maintain the student's enrolment' means that Ozford does not report via PRISMS of any change to the student's enrolment status.

5.38 Appeals must be lodged in writing to Ozford with the Head of Student Support within 20 working days of the student being notified of the consequence.

5.39 Students may access the Overseas Student Ombudsman's external complaints and appeals process at any time during the complaints process..

5.40 Ozford will report via PRISMS as required where the student's enrolment is deferred, suspended or cancelled. Cancellation of a student's enrolment must not be reported until all levels of appeal have been used.

5.41 Where Ozford suspends or cancels the enrolment of a student who is under 18 years of age, Ozford must continue to approve the welfare arrangements for that student until any of the following applies:

- the student has alternative welfare arrangements approved by another registered provider;
- care of the student by a parent or nominated relative is approved by Immigration;
- the student leaves Australia; or
- Ozford has notified that it is no longer able to approve the student's welfare arrangements or that it has taken the required action after not being able to contact the student.

#### **Recording deferment, suspension and/or cancellation of student enrolment**

5.42 All documents relating to these matters must be kept on the student file. This includes, but is not limited to, application forms, notes of meetings with students and other parties, any evidence supplied by the student in support of their claim, reports/notes from teachers, letters to students, decisions and minutes of appeal hearings.

## **6. Feedback**

Feedback or comments on this policy and procedure is welcomed by the Executive Management Team.