

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

Approving authority	Executive Management Team
Purpose	This policy and procedure has been developed to meet the requirements of Standard 9 of the National Code 2018: Deferring, suspending or cancelling the student's enrolment
Responsible Officer	Head of Student Services and Administration
Associated documents	<ul style="list-style-type: none"> • Complaints and Appeals Policy • Student Behavior Management Policy and Procedures • Completion within Expected Duration Policy and Procedures

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 2018: Deferring, suspending or cancelling the overseas student's enrolment.

2. SCOPE

The policy and procedures apply to 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.

For international students, this policy and procedures supports Standard 9 of the ESOS National Code 2018 – Deferring, Suspending or Cancelling overseas student's enrolment.

3. POLICY

- 3.1 Oxford College (Oxford) acknowledges that students are able to initiate deferral, suspension or cancellation of their studies in certain limited circumstances as described in the policy. Students may also 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
- 3.2 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 Oxford was unable to offer a pre-requisite unit.

Student initiated deferral, suspension or cancellation.

- 3.3 Students are able to apply for deferral, suspension or cancellation of their studies on the basis of compassionate or compelling circumstances.
- 3.4 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.

- 3.5 For students who are younger than the age of 18, parents/guardians approval are required before the application is processed.
- 3.6 Ozford will assess each case on its individual merits to decide if deferral or suspension or cancellation of study can be granted.
- 3.7 Ozford may approve the deferral or suspension or cancellation of the enrolment of a student if it believes there are compassionate or compelling circumstances.
- 3.8 Students may apply for a cancellation of enrolments if they are unable to continue their enrolled courses.
- 3.9 When there is any deferral, suspension or cancellation action taken under this policy in regard to an international student Ozford must:
- inform the international student of the need to seek advice from Immigration on the potential impact on his or her student visa;
 - Report the change to the overseas student's enrolment under section 19 of the ESOS Act.
- 3.10 Students who are dissatisfied with the outcomes of their application for deferral, suspension or cancellation of their enrolments may appeal the decisions using the complaints and appeals processes. The deferral, suspension or cancellation of an overseas student's enrolment cannot take effect until the 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 initiated deferral, suspension or cancellation.

- 3.12 Ozford 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;
 - misconduct by the student;
 - a breach of attendance or course progress; or
 - 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.
 - Default by Ozford as described in Terms of Conditions of Enrolment;
- 3.13 Matters relating to misconduct by the student are addressed in the Student Code of Conduct.
- 3.14 Matters relating to a breach of attendance requirements are addressed in the Attendance Policy and Procedures.
- 3.15 Matters relating to a breach of Academic progress are addressed in the Academic Progress Policy and Procedures.
- 3.16 If Ozford initiates a suspension or cancellation of the student's enrolment, before imposing a suspension or cancellation, Ozford must:
- inform the student of that intention and the reasons for doing so, in writing;
 - advise the student of their right to appeal through the complaints and appeals process.
- 3.17 For students who are younger than the age of 18, parents/guardians will be informed during the process.
- 3.18 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.

- 3.19 When there is any deferral, suspension or cancellation action taken, and if the student is on a student visa, Ozford 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.
- 3.20 Ozford will maintain a record of any decision in the process for assessing, approving and recording a deferral, suspension or cancellation of study.
- 3.21 Ozford may refuse enrolment of a student on the grounds of unsuitable characteristics, such as evidence of violent behaviour or involvement in criminal activity.
- 3.22 If a 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
 - Provide a refund in accordance with the Refund policy and procedures
- 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, Ozford 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 Ozford under Part 6 of the Education Services for Overseas Students Act 2000 (Cth), Ozford will comply with the requirements of the Regulator and/or TPS Manager.
- 3.25 Under section 46A of the ESOS Act a registered provider 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.
- Under section 46B of the ESOS Act, Ozford must notify the DET Secretary and the TPS Director 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 TPS Director and students will be in writing and meet the requirements of section 46B.
- 3.26 Under section 46D of the ESOS Act, Ozford has 14 days after the day of the default (the provider obligation period) to satisfy the tuition protection obligations to the student.
- 3.27 Ozford will within 7 days after the end of its obligation period, give a notice to the DET Secretary and the TPS Director of the outcome of the discharge of its obligations. This notice will comply with the requirements of section 46F.
- 3.28 If Ozford does not meet its obligations affected students may be assisted by the TPS Director.

4. PROCEDURES

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 to the Student Admissions Department. Parents/guardian signatures are required if student is under the age of 18.

- 4.1.2 Enrolment may be deferred in compassionate and compelling circumstances, including the inability to begin studying on the course commencement date due to a delay in receiving a student visa.
- 4.1.3 The student will be advised that they should contact the Department of Home Affairs, where relevant, for advice on how any deferral will affect the student's visa.
- 4.1.4 All applications for deferral documentation will be kept in the students file and Department of Education & Training / Department of Home Affairs shall be notified via PRISMS, of the decision to defer the enrolment as a result of the student's request.
- 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 Ozford, the student is only able to temporarily suspend his or her enrolment on the grounds of compassionate or compelling circumstances.
- 4.2.2 Students who wish to suspend their studies must first complete an application form with supporting documentary evidence. Parents/guardian signatures are required if student is under the age of 18. Applications with no supporting documentary evidence will not be processed.
- 4.2.3 The Head of Student Services & Administration ('HOSSA') will use his/her professional judgment to 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.
- 4.2.4 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.
- 4.2.5 Where a suspension of enrolment is granted, Ozford will suspend an enrolment for an agreed period of time - to a maximum of 12 months. For students on student visas, the HOSSA will inform students to seek advice on the potential impacts on their student visas. The HOSSA will report the change of the students' enrolments on PRISMS.
- 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 seek internal appeals.
- 4.2.7 All application documentation for the suspension will be kept in the students' file and if relevant, the Department of Education/ Department of Home Affairs shall be notified via PRISMS of the decision to suspend the enrolment as a result of the student's request.

4.3 Student Initiated Cancellation

- 4.3.1 Students who wish to cancel their enrolments must complete the Application for Course Withdrawal Form and submit to the Student Services Department. Parents/guardian signatures are required if student is under the age of 18.
- 4.3.2 If relevant, the students will be advised that they should contact the Department of Home Affairs for advice on how this will affect their visas.
- 4.3.3 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 Procedures*.
- 4.3.4 All application documentation for the cancellation will be kept in the students file and if relevant, the Department of Education/ the Department of Home Affairs shall be notified via PRISMS of the decision to cancel the enrolment as a result of the student's request.

4.4 Provider Initiated Deferral, Suspension or Cancellation

- 4.4.1 Ozford may initiate a suspension or cancellation of students' enrolment in the following circumstances, including, but not limited to:
 - misbehaviour 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
 - Matters relating to a breach of course progress are addressed in the Course Progress Policy and Procedures.

- 4.4.2 In some cases where the student's misconduct is severe, the Principal with the endorsement of the Executive Management Team has the right to cancel the student's enrolment. Severe misconducts include but not limited to:
- acting dishonestly in relation to admission to Ozford;
 - knowingly making any false or misleading representation about things that concern the student as a student of the College;
 - altering any documents or records;
 - harassing or intimidating another student, a member of staff, a visitor, or any other person while the student is engaged in study or other activity as a student, because of race, ethnic or national origin, sex, marital status, sexual preference, disability, age, political conviction, religious belief or for any other reason;
 - breaching any confidence of the College;
 - Misusing 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;
 - stealing, destroying or damaging a facility or property of the College or for which the College is responsible
- 4.4.3 If Ozford initiates a suspension or cancellation of the student's enrolment, before imposing a suspension or cancellation, Ozford will inform the students and parents/guardian of under 18 of that intention and the reasons for doing so, in writing.
- 4.4.4 They will be advised of their right to appeal through the Complaints and Appeals process.
- 4.4.5 The 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.
- 4.4.6 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. No changes on the students' enrolments will be made during the internal appeal process.
- 4.4.7 Where the outcome of an internal appeal finds that a suspension of enrolment can be imposed -, the student will be informed in writing and the HOSSA will advise the student to contact the Department of Home Affairs to seek advice on the potential impact on his or her student visa. The HOSSA will report the change of the student's enrolment on PRISMS.
- 4.4.8 Where the outcome of an internal appeal finds that a cancellation of enrolment can be imposed -, the student will be informed in writing and the HOSSA will advise the students to contact the Department of Home Affairs to seek advice on the potential impact on his or her student visa. The HOSSA will report the change of the student's enrolment on PRISMS.
- 4.4.9 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. Under Section 19(1) of the ESOS Act, Ozford must notify the Department of Education & Training/Department of Home Affairs via PRISMS of the termination of an accepted student's studies, within 14 days of the event occurring. This process does not require Ozford to give the student access to the appeals process.

4.5 Appeals

- 4.5.1 If an applicant is not satisfied with the outcome of the appeal, he/she may appeal in accordance with the provisions of the Complaints and Appeals Policy.

- 4.5.2 If a student is still not satisfied with the outcome of the internal appeals, the student can lodge an appeal to the Commonwealth Ombudsman.

4.6 Recording and reporting deferrals, suspension or cancellation of enrolments

- 4.6.1 All applications and outcomes will be kept in the student's file.
- 4.6.2 All reports of incidents, decisions and actions taken in relation to misbehaviour, and other related documentation must be kept on file.
- 4.6.3 Any decisions to initiate deferral, suspension or cancellation of an enrolment will be reported to the Department of Education & Training / the Department of Home Affairs via PRISMS, if relevant.
- 4.6.4 Students will be kept informed of any decisions or outcomes that relate to a deferral, suspension, or cancellation of enrolments.

5 Feedback

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