

## Deferring, Suspending or Cancelling the Overseas Student's Enrolment Policy and Procedure

<b>Category</b>	Deferring, suspending or cancelling the overseas student's enrolment
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<b>Contact Officer</b>	Registrar
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<b>Policy Base</b>	<ul style="list-style-type: none"> <li>• ESOS Act 2000</li> <li>• National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code), Standard 9</li> </ul>
<b>Related Documents</b>	<ol style="list-style-type: none"> <li>1. Overseas Student Visa Requirements Policy and Procedure</li> <li>2. Younger Overseas Students Policy and Procedure</li> <li>3. Complaints and Appeals Policy and Procedure</li> <li>4. CAAW Letter</li> <li>5. Course Variation Form</li> <li>6. Refund Request Form</li> <li>7. Student Code of Conduct</li> <li>8. Terms and Conditions of Enrolment</li> <li>9. Progress Report</li> <li>10. Statement of Attainment</li> <li>11. Monitoring Course Progress Policy and Procedure</li> <li>12. Monitoring Course Attendance Policy and Procedure</li> </ol>

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### Purpose

These policies and procedures are in place to ensure that Universal English College (“UEC”) has a documented process for assessing, approving and recording deferment, suspension or cancellation of an overseas student’s enrolment and that it complies with the ESOS Act 2000 and Standard 9 of the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code).

### Scope

This document applies to all staff involved in deferring, suspending or cancelling the overseas student’s enrolment at UEC.

## Definitions

- **Deferral:** refers to students delaying the commencement of their program to a future intake date.
- **Suspension initiated by the student:** refers to students temporarily placing their studies on hold after they have commenced their course. This action may or may not affect the enrolment period indicated on the Confirmation of Enrolment (CoE).
- **Suspension initiated by the institution:** refers to when UEC decides to place a student's enrolment on hold due to misconduct or a breach of the terms and conditions of enrolment.
- **Cancellation:** refers to UEC permanently terminating the student's enrolment due to misbehaviour or a breach of their study visa conditions.
- **PRISMS** refers to Provider Registration and International Students Management System
- **DHA** refers to the Department of Home Affairs.
- **Compassionate or compelling circumstances** refers to situations beyond the control of overseas students and which have an impact on their course progress or wellbeing.
- **Course Variation** refers to changes to an overseas student's enrolment such as early completion or transferring to another registered provider that may impact on your student visa. Any student course variation must be reported in PRISMS.
- **CAAW letter** refers to a Confirmation of Appropriate Accommodation and Welfare letter issued to overseas students under 18 years of age, who are unaccompanied by their parents/legal guardian to study in Australia. The enrolling registered provider is requested to approve their accommodation and welfare arrangements.
- **Student Code of Conduct** refers to UEC's expectations of students in regards to academic and personal behaviour matters.
- **AWOL** refers to a student who is absent from studies without approved leave.

## Policy

UEC courses have defined start and end dates. Students are expected to undertake the course in which they have enrolled in without interruption. However, in some circumstances, students may need to defer or postpone their studies.

Students may request a deferment or suspension of their studies during the course in limited circumstances as set out in the National Code, Standard 9.

UEC may suspend or cancel a student's enrolment, provided it is consistent with UEC's policies and/or Australian Law.

Before suspending or cancelling a student's enrolment, UEC will notify the student of its intention to do so. UEC will inform the student they have 20 working days in which to access the *Complaints and Appeals* process. UEC will not notify the Department of Education and Training via the Provider Registration and International Student Management System (PRISMS) of a change of status of enrolment until the internal *Complaints and Appeals* process has been finalised (if applicable).

UEC will inform students that deferment, suspension or cancellation of enrolment may affect his or her student visa. Student's will be directed to the Department of Home Affairs website or helpline (131 881) for further information.

## 1. Overview

- a. Deferment or suspension of enrolment can be initiated by the student or by UEC.
- b. UEC will only grant deferment or suspension for compassionate and compelling circumstances.
- c. UEC may initiate a suspension or cancellation of enrolment if a student breaches their student visa conditions, fails to pay the scheduled fees or the student misbehaves or breaches the *Student Code of Conduct* or any other set terms and conditions.
- d. UEC will notify the Department of Education and Training of a change to a student's status of enrolment via PRISMS, if applicable.
- e. Students who wish to defer, suspend or cancel (withdraw) their enrolment must complete and submit a *Course Variation Form*.
- f. If the request is granted, UEC will notify the student by email of the outcome and advise them to contact the Department of Home Affairs (DHA) in relation to the potential impact on their student visa.
- g. If a deferral, suspension or cancellation request is rejected, the student will be given 20 working days to appeal the decision as per UEC's *Complaints and Appeals Policy and Procedure*.

## 2. Deferral or suspension of enrolment initiated by the student

- a. An overseas student's enrolment may be deferred or suspended where compassionate or compelling circumstances can be demonstrated.
- b. Compassionate or compelling circumstances are situations where an overseas student has no control over the situation and they are impacting upon the student's course progress or wellbeing. Such instances include but are not limited to:
  - Serious illness or injury of the overseas student and unable to attend classes (requires medical certificate/reports);
  - Death of close family members such as parents or grandparents (requires death certificate where possible);
  - Involvement in, or witnessing of a serious accident;
  - Political and/or natural disaster in the home country and has an impact on the overseas student's study;
  - A traumatic experience that impacts upon the student's study (requires psychologist's reports);
  - Where UEC is unable to provide part, or all of the enrolled course;
  - Not able to begin studying on the course start date, due to delay in receiving a student visa;
  - Failure to meet the English entry requirements for the intended course.
- c. Students will be informed that deferment, suspension or cancellation of enrolment may affect their student visa. Student's will be directed to the Department of Home Affairs website or helpline (131 881) for information on how a change of enrolment may impact their student visa.
- d. Where deferment or suspension is granted, this will be reported on PRISMS.
- e. UEC will retain appropriate evidence to support the decision in the Student Management System, on the student's file.

### 3. Deferral, suspension or cancellation of enrolment initiated by the provider

- a. UEC may defer, suspend or cancel a student's enrolment when a student misbehaves/breaches the Student Code of Conduct/terms and conditions of enrolment, fails to pay the required fees to continue with their studies and/or breaches the student visa requirements including course progress and attendance requirements.
- b. The student will not be given an opportunity to appeal if UEC considers the situation to affect the wellbeing of the student and/or others are likely to be at risk. These situations include but are not limited to a student:
  - i. refusing to maintain their approved CAAW (applies to under 18 years of age overseas students);
  - ii. missing;
  - iii. having a medical concern (physical, emotional and/or mental) believed to endanger the student;
  - iv. at risk of committing a criminal offence;
  - v. at risk of jeopardising the safety of people at UEC;
  - vi. who is subject of investigation relating to criminal matters;
  - vii. where UEC has reason to believe that the student is not a genuine student.
- c. UEC will retain appropriate evidence to support any claims of the circumstances above on the student's file.
- d. Before suspending or cancelling a student's enrolment, UEC will notify the student, and the student's parents/legal guardian in writing if the student is under the age of 18 years, of its intention to do so. UEC will inform the student they have 20 working days in which to access the *Complaints and Appeals* process. UEC will not notify the Department of Education via PRISMS of a change of status of enrolment until the internal *Complaints and Appeals* process has been finalised (if applicable).
- e. The student's enrolment is maintained until the *Appeals* process is finalised.
- f. Suspended students must abide by the conditions of their suspension from studies which, if the student is under the age of 18 years, will depend on the accommodation and welfare arrangements in place for each student and which will be determined by the Academic Director
- g. Students will be directed to the Department of Home Affairs website or helpline (131 881) for information on how a change of enrolment may impact their student visa.
- h. Suspensions and cancellations will be recorded on PRISMS.
- i. The period of deferment or suspension of enrolment (as entered in PRISMS) will not be included in attendance calculations.

### 4. Cancellation of Enrolment Due to Non-Payment

- a. Overseas students are required to have sufficient funds and to make payment for their studies in Australia as part of the student visa requirements. Failure to pay is a breach of a student's visa requirement.
- b. If tuition fees are not paid by its due date, the overseas student's enrolment will be subject to cancellation as per the *Complaints and Appeals Policy and Procedure*.
- c. External appeal is not available in cases of:

- i. student misbehaviour or breach of *Student Code of Conduct*;
  - ii. the student has engaged in, or threatened to engage in, behaviour that is reasonably believed to endanger the student or others;
  - iii. UEC has reason to believe the student is not a genuine student;
  - iv. the student is absent without leave from their studies; or
  - v. non-payment of fees.
- d. Before cancelling a student's enrolment, UEC will notify the student of its intention to do so. UEC will inform the student they have 20 working days in which to access the *Complaints and Appeals* process. UEC will not notify the Department of Education and Training via PRISMS of a change of status of enrolment until the internal *Complaints and Appeals* process has been finalised (if applicable).
- e. The student's enrolment is maintained until the *Appeals* process is finalised.
- f. Students will be directed to the Department of Home Affairs website or helpline (131 881) for information on how a change of enrolment may impact their student visa.
- g. If the payment of fees is not made during the appeal period or within the agreed period, the student's enrolment will be cancelled.
- h. UEC is under no obligation to reinstate a student's enrolment if their enrolment has been cancelled. Students may reapply at a later date by following the admissions process.
- i. Inform the student of the date the CoE will be cancelled.
- j. Inform the student that the cancelled CoE will be emailed to the student once the cancellation is processed.
- k. Cancellations will be recorded on PRISMS.
- l. Cancelled CoE will be sent to the student when the cancellation is made.

## 5. Appeal Against Outcome

Student requested deferment and suspension are not subject to UEC's *Complaints and Appeals Policy and Procedure*, available at [www.uec.edu.au](http://www.uec.edu.au).

When UEC initiates the deferral, suspension or cancellation of enrolment, the student will be given 20 working days, from the day the notice is given, to make an internal appeal by following UEC's *Complaints and Appeals Policy and Procedure*.

## 6. Record keeping

Records of all communication and other relevant information, (i.e. evidence of compelling and compassionate circumstances) will be retained in all cases of deferment, suspension or cancellation of a student's enrolment initiated by UEC or by the students themselves.

## 7. Effect on CoE & CAAW

- a. When an overseas student's CoE end date changes due to deferral, suspension or cancellation of a student's enrolment, UEC will inform the student that it may affect his or her student visa. Students, and their parents/legal guardian if the students are under the age of 18 years, will be directed to the Department of Home Affairs website or helpline (131 881) for information on how a change of enrolment may impact their student visa.
- b. When UEC cancels the younger (under the age of 18) overseas student's CoE through PRISMS and the student was issued with a CAAW, UEC will still remain responsible for the CAAW until the student leaves Australia, or until the starting date of the CAAW from another provider. There may be an overlap of the CAAW period between the two providers to ensure there is no gap, and to maintain the safety and welfare of the younger overseas student.
- c. If an overseas student's enrolment is deferred or suspended, the period of suspension of enrolment (as entered in PRISMS by UEC) will not be included in attendance calculations.
- d. When UEC defers, suspends or cancels an overseas student's enrolment, UEC will report the changes to the overseas student's enrolment in PRISMS under section 19 of the ESOS Act.

## 8. Informing Parents/Legal Guardians of Students under 18 Years of Age

- a. UEC will contact the parents/legal guardian and inform them the student's enrolment is at risk of being cancelled.
- b. The parents/legal guardians/delegated representative will be required to attend a meeting.
- c. UEC will outline the terms and conditions of enrolment and advise the parents/legal guardians/delegated representative that the conditions are to be followed by the student.
- d. UEC will advise parents/legal guardians/delegated representatives that if the student breaches the conditions, the student's enrolment may be cancelled (as per UEC's *Deferral, Suspension and Cancellation Policy*).

## 9. Student Code of Conduct

Refer to UEC's *Student Code of Conduct*.

## Procedures

### 1. Procedure for Students Applying for Deferral of Study

STEPS	PROCEDURE	RESPONSIBILITY
1	<ul style="list-style-type: none"> <li>Submit to UEC a <i>Course Variation Form</i> indicating the intended start date, together with relevant documents that clearly demonstrate compassionate or compelling circumstances stating why the deferral should be granted.</li> <li>The <i>Course Variation Form</i> must be signed by the student's parents/or legal guardian for younger overseas students.</li> </ul>	Student/Student's parent/legal guardian/ Agent
2	<p><b>Application Approved:</b></p> <ul style="list-style-type: none"> <li>Assess the request and provide a written answer within 5 working days from receipt of the request.</li> <li>Grant approval if the deferral request meets the sufficient evidence requirements (as per UEC's <i>Deferral, Suspension and Cancellation Policy</i>)</li> <li>Notify the student, student's parent/legal guardian or agent in writing that the deferral request has been approved.</li> <li>Access PRISMS to notify the Department of Education and Training and record the details and period of deferment granted.</li> <li>Students will be directed to the DHA website or helpline (131 881) for information on how a change of enrolment may impact their student visa.</li> </ul> <p><b>Application Refused:</b></p> <ul style="list-style-type: none"> <li>Assess the request and provide a written answer within 5 working days from receipt of the request.</li> <li>Refuse the deferral request if it does not meet the requirements for compassionate or compelling circumstances (as per UEC's <i>Deferral, Suspension and Cancellation Policy</i>).</li> <li>Notify the student/student's parent/legal guardian/agent in writing of refusal of the deferral request..</li> <li>Inform the student/student's parent/legal guardian/agent that if the student b does not agree with the decision, they have 20 working days from the date of the decision in which to access UEC's <i>Complaints and Appeals Policy and Procedure</i>.</li> <li>Students will be directed to the DHA website or helpline (131 881) for information on how a change of enrolment may impact their student visa.</li> </ul>	Registrar
3	<p>Complete the following:</p> <ol style="list-style-type: none"> <li>Adjust the financial records.</li> <li>Do not include the period of deferment in attendance monitoring calculations.</li> <li>Inform relevant staff and provide details about the approved defferal.</li> <li>Suspend student access to computers, email and other learning resources until studies have resumed.</li> </ol>	
4	<ul style="list-style-type: none"> <li>If the student chooses to appeal the decision, the student's enrolment is maintained until the <i>Appeals</i> process is finalised.</li> <li>If the student chooses to appeal the decision, UEC does not notify DHA of any changes to the student's enrolment status until the final appeal decision is made.</li> </ul>	Registrar
5	<ul style="list-style-type: none"> <li>Retain the <i>Course Variation Form</i> and relevant supporting documentation on the student's file.</li> <li>Record details on the student's file in the Student Management System.</li> </ul>	Registrar

## 2. Procedure for Students Applying for Suspension of Study

STEPS	PROCEDURE	RESPONSIBILITY
1	<ul style="list-style-type: none"> <li>Submit the <i>Course Variation Form</i> together with any relevant documents, to notify UEC of the student's decision to suspend studies.</li> <li>The <i>Course Variation Form</i> must be signed by the student's parents or legal guardian for younger overseas students.</li> </ul>	Student/Student's parent/legal guardian/ Agent
3	<p><b>Application Approved:</b></p> <ul style="list-style-type: none"> <li>Assess the request and provide a written answer within 5 working days from receipt of the request.</li> <li>Grant approval if the suspension request meets the sufficient evidence requirements (as per UEC's <i>Deferral, Suspension and Cancellation Policy</i>)</li> <li>Notify the student, student's parent/legal guardian or agent in writing that the suspension request has been approved.</li> <li>Access PRISMS to notify the Department of Home Affairs (DHA) and record the details and period of suspension granted.</li> <li>Students and the student's parents/legal guardians for under 18 students, will be directed to the DHA website or helpline (131 881) for information on how a change of enrolment may impact their student visa.</li> </ul> <p><b>Application Refused:</b></p> <ul style="list-style-type: none"> <li>Assess the request and provide a written answer within 5 working days from receipt of the request.</li> <li>Notify the student, student's parent/legal guardian or agent in writing that the suspension request does not meet the requirements for compassionate or compelling circumstances (as per UEC's <i>Deferral, Suspension and Cancellation Policy</i>) and has been refused.</li> <li>Inform the student/student's parent/legal guardian/agent that if the student does not agree with the decision, they have 20 working days from the date of the decision in which to access UEC's <i>Complaints and Appeals Policy and Procedure</i>.</li> <li>Students and the student's parents/legal guardians for under 18 students, will be directed to the DHA website or helpline (131 881) for information on how a change of enrolment may impact their student visa.</li> </ul>	Registrar
4	<p>Complete the following:</p> <ol style="list-style-type: none"> <li>Adjust the financial records.</li> <li>Do not include the period of suspension in attendance monitoring calculations.</li> <li>Inform relevant staff and provide details about the approved suspension.</li> <li>Suspend student access to computers, email and other learning resources until studies have resumed.</li> </ol>	Registrar and Accounts Receivable Clerk/IT Support Officer
5	<ul style="list-style-type: none"> <li>If the student chooses to appeal the decision, the student's enrolment is maintained until the <i>Appeals</i> process is finalised.</li> <li>If the student chooses to appeal the decision, DHA will not be notified of any changes to the student's enrolment status until the final appeal decision is made.</li> </ul>	Registrar
6	<ul style="list-style-type: none"> <li>Retain the <i>Course Variation Form</i> and relevant supporting documentation on the student's file.</li> <li>Record details on the student's file in the Student Management System.</li> </ul>	Registrar

### 3. UEC-Initiated Suspension of Study or Cancellation of Enrolment

STEPS	PROCEDURE	RESPONSIBILITY
1	Decision to suspend or cancel a student’s enrolment due to academic or non-academic misconduct, failure to meet overseas student visa requirements such as attendance requirements or non-payment of fees.	General Manager
2	Notify the Registrar of the decision.	General Manager
	<p>Notify the student and the parents/legal guardian/agent (under 18 students) in writing:</p> <ol style="list-style-type: none"> <li>1. of the intention to cancel or suspend his or her enrolment together with the reasons for the decision.</li> <li>2. that attendance at a meeting by the student/ the student’s parents/legal guardian is required so the Registrar/Academic Director can answer any questions or provide further clarification such as the student’s enrolment may be cancelled if the student continues to breach the terms and conditions of enrolment as per UEC’s <i>Deferral, Suspension and Cancellation Policy</i>.</li> <li>3. of the intention to notify the Department of Home Affairs (DHA) and the option to appeal the decision.</li> <li>4. of the 20 working days of appeal period as stated in UEC’s <i>Complaints and Appeals Policy and Procedure</i>.</li> <li>5. that cancellation of the student’s CoE may affect his or her student visa. Students will be directed to the DHA website or helpline (131 881) for information on how a change of enrolment may impact their student visa.</li> <li>6. <b>Younger overseas students (under 18):</b> UEC will still be responsible for the CAAW until the student leaves Australia or until the starting date of the CAAW from another provider.</li> <li>7. There may be an overlap of the CAAW period between providers (if applicable).</li> <li>8. The minimum period on the CAAW letter must be the same period of time as the Confirmation of Enrolment (CoE), plus 7 days at the end of enrolment or until the student turns 18. If the student is enrolled in 2 or more courses with more than 1 provider, the student must show UEC they have organised continuous welfare arrangements. Where UEC has approved the student’s welfare arrangements, there cannot be a welfare gap in the dates the providers have nominated.</li> </ol>	Registrar
	Record and retain a copy of the decision and accompanying/or supporting evidence on the student’s file.	Registrar

Appeals	
<p><b>Appeal:</b></p> <ul style="list-style-type: none"> <li>If the student chooses to appeal the decision, the student’s enrolment is maintained until the appeals process is finalised.</li> <li>If the student chooses to appeal the decision, UEC will not notify DHA of any changes to the student’s enrolment status until the final appeal decision is made (if applicable).</li> <li>Students and the student’s parents/legal guardians for under 18 students, will be directed to the DHA website or helpline (131 881) for information on how a change of enrolment may impact their student visa.</li> </ul> <p><b>No Appeal:</b></p> <ul style="list-style-type: none"> <li>If the student chooses not to appeal the decision or has unsuccessfully exhausted the internal appeals policy, the cancellation of enrolment will be processed.</li> <li>The Department of Home Affairs (DHA) will be notified through PRISMS about the change to the student’s enrolment status.</li> <li>Students and the student’s parents/legal guardians for under 18 students, will be directed to the DHA website or helpline (131 881) for information on how a change of enrolment may impact their student visa.</li> </ul> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>Exceptions to this rule will be made in cases of <i>compassionate and compelling</i> circumstances as stated in UEC’s <i>Deferral, Suspension and Cancellation Policy</i>. UEC is only required to wait for the outcome of an external appeal in the case of a breach of academic progress and/or a breach of the attendance requirements. <i>Refer to the Monitoring Course Progress and Attendance Policies and Procedures</i>.</li> </ul>	Registrar
Unsuccessful Appeals	
<ul style="list-style-type: none"> <li>Complete the following:               <ol style="list-style-type: none"> <li>Adjust the financial records.</li> <li>Do not include the period of suspension in attendance monitoring calculations.</li> <li>Inform relevant staff and provide details about the suspension or cancellation.</li> </ol> </li> <li>Suspend student access to computer, email and other learning resources until studies have resumed or are cancelled (if applicable).</li> </ul>	Registrar and Accounts Receivable Clerk/IT Support Officer
Suspension/Cancellation of Enrolment	
<ul style="list-style-type: none"> <li>Cancel the student’s CoE in PRISMS.</li> <li>Cancel the CAAW for a younger overseas student:               <ol style="list-style-type: none"> <li>when the student returns to his or country;</li> <li>when provided with a valid CAAW from another provider with no gap period between UEC and the receiving provider;</li> <li>when the student has a nominated guardian approved by DHA; or</li> <li>when UEC must terminate the responsibility of welfare arrangement as per the <i>Terminating UEC’s Responsibility of Welfare Agreement Policy</i> in the <i>Managing Younger Overseas Student Policy and Procedure</i>.</li> </ol> </li> <li>Retain all relevant records and documentation on the student’s file.</li> </ul>	Registrar

## Document Control

The policies and procedures, and the forms included in this document are approved and implemented by UEC. This document will be electronically available to UEC staff in protected format (PDF file) in the designated folder (in G drive). Any ongoing changes made to this document will be documented as per below.

Version	Authorised By	Description of the change	Approved Date	Effective Date
<i>Version 1</i>	<i>General Manager</i>	<i>Updated the Deferring, Suspending or Cancelling the Overseas Enrolment Policy and Procedure</i>	<i>20 June 2019</i>	<i>20 June 2019</i>