



Policy and Procedures –

Deferment, Suspension or Cancellation of Enrolment (International)

APPROVED

THE INSTITUTE OF INTERNATIONAL STUDIES



1. Overview

This *Policy and Procedures* applies to international students and is in accord with Standard 9, National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students of 2018.¹

The Institute of International Studies (“TIIS”) provides students with the opportunity to defer or temporarily suspend or cancel their studies, including granting a leave of absence, during the course through formal agreement in given limited circumstances. This *Policy and Procedures* outlines the circumstances where a student’s enrolment may be deferred, extended, suspended or cancelled by TIIS. Prior to enrolment, this *Policy and Procedures* is provided to prospective students.

2. Definitions

2.1 Cancel Enrolment

To cancel the student’s enrolment.

2.2 CoE

Confirmation of Enrolment which is a document, provided electronically, issued by the registered provider to intending overseas students and which must accompany their application for a student visa. It confirms the overseas student’s eligibility to enrol in the particular course of the registered provider.

2.3 Compassionate or Compelling Circumstances

Reasons why a student’s enrolment status may be changed. These are generally situations beyond the control of the student. The following are examples of compassionate or compelling circumstances:

- a. The lack of available subjects in the enrolled course;
- b. Inability to commence study on commencement date due to a visa delay;
- c. Serious illness or injury;
- d. Bereavement of close family members such as parents, grandparents, brother or sister (a copy of the death certificate or equivalent authorised document must be provided);
- e. A traumatic experience such as witnessing a serious accident or witnessing or being victim of a serious crime (police report must be provided);
- f. A major political upheaval in the student’s home country which requires emergency travel that will affect their studies; and
- g. A natural disaster in the student’s home country which requires emergency travel that will affect student studies.
- h. Other experiences that, in the professional judgement of the Chief Executive Officer (CEO)/Registrar, may impact upon the academic performance of a student.

2.4 Defer Studies

To delay the commencement of the student’s program of study.

2.5 DHA

Department of Home Affairs, Immigration and Citizenship <https://immi.homeaffairs.gov.au/>

2.6 DESE

The Department of Education, Skills and Employment <https://www.dese.gov.au/>

2.7 Misbehavior

Circumstances relating to the actions of the student which may include, but are not limited to, the following grounds for suspension or cancellation of enrolment:

- a. Violence against staff, students, or others;

¹ See: <https://internationaleducation.gov.au/Regulatory-Information/Pages/National-Code-2018-Factsheets-.aspx#:~:text=The%20National%20Code%20is%20a,commenced%20on%201%20January%202018.>

- b. Psychological issues which engender fear for the safety of staff, students, or others;
- c. Sexual harassment against staff, students, or others;
- d. Racial discrimination, vilification, or bullying;
- e. Intimidating staff, students, or others;
- f. Defaming TIIS, its staff, students, or others;
- g. Criminal actions or at risk of committing a criminal offence;
- h. Bringing TIIS into disrepute.
- i. Academic malfeasance (e.g. Cheating, plagiarism, contract cheating, facilitating cheating);
- j. Refusing to work in a safe, clean, orderly manner;
- k. Being under the influence of drugs or alcohol to the point which creates an unsafe environment for staff, students, others, and oneself;
- l. Smoking on institute property;
- m. Failure to pay fees when due;
- n. Failing to re-enrol;
- o. Failure to maintain appropriate course-progress levels; or
- p. Other actions that, in the professional judgement of the CEO/Registrar, may be considered inappropriate within a given context.

2.8 PRISMS

The Provider Registration and International Student Management System, which the Higher Education Provider uses to notify DESE of changes to a student's enrolment.

2.9 Suspend Studies

May be requested by a student for extenuating, compassionate or compelling circumstances. TIIS may choose to temporarily suspend a student's enrolment if it is deemed the student's behaviour is unacceptable for an educational setting.

2.10 TPS

The Tuition Protection Service.

3. General Information

This *Policy and Procedures* provides details for handling requests from students and/or action taken by TIIS to defer, suspend or cancel a student's studies. There are three main categories: student request for deferral and/or suspension of studies; student request for cancellation of enrolment; and TIIS' intention to defer, suspend or cancel enrolment.

3.1 Attendance

TIIS monitors course progress regularly and implement an intervention strategy to assist an overseas student not making satisfactory course progress. TIIS is not monitoring attendance as part of this *Policy and Procedures*.

3.2 Student Visa

Deferment, suspension, or cancellation of enrolment may affect the student's visa. As a result, TIIS will refer the student to the DHA website, helpline, or office for advice, as to how the potential change to enrolment status may impact upon his or her visa.

3.3 Responsibility

The CEO/Registrar is responsible for this process in consultation with the Dean and/or the Program Coordinator.

4. Procedures

4.1 Prior to Enrolment

Prospective students will be informed (prior to enrolment via the Offer of Enrolment Form) of the grounds on which their enrolment may be deferred, extended, suspended, or cancelled and, also, their rights and grounds for appeal regarding this policy.

4.2 Defer, Suspend, Cancellation Application Process

TIIS may defer, extend or suspend the enrolment of a student if TIIS believes there are compassionate or compelling circumstances. Students must complete the *Deferral, Extension, Suspension, Cancellation Application Form* (available from reception or the Program Coordinator). The CEO will formally respond within 5 business days. Applications must be submitted at least 10 business days prior to the requested period to allow the application to be processed. Applications received after this date will not be approved.

4.3 Student Request for Deferral, Extension and/or Suspension of Studies

- a. TIIS will only approve a request to defer, or temporarily suspend a student's enrolment on the grounds of a non-exhaustive list of acceptable circumstances (see section 2.3 of this document).
- b. Students may apply to defer, extend or suspend their studies for up to one trimester for compelling or compassionate circumstances.
- c. The CEO/Registrar may convene a meeting with the student to discuss the application. Documented evidence must be provided by the student to validate the claim. A formal response will be provided by the CEO/Registrar within five (5) business days.
- d. In the event that a student's enrolment is deferred, extended, suspended, or cancelled, TIIS will notify the change of enrolment status of students via PRISMS. Fees will be carried forward or refunded (if applicable), in accordance with the *Policy and Procedures – Refund*.

Allowable extensions of course duration

8.16 The registered provider must not extend the duration of the overseas student's enrolment if the overseas student is unable to complete the course within the expected duration, unless:

8.16.1 there are compassionate or compelling circumstances, as assessed by the registered provider on the basis of demonstrable evidence, or

8.16.2 the registered provider has implemented, or is in the process of implementing, an intervention strategy for the overseas student because the overseas student is at risk of not meeting course progress requirements, or

8.16.3 an approved deferral or suspension of the overseas student's enrolment has occurred under Standard 9 (Deferring, suspending or cancelling the overseas student's enrolment)

4.4 Student Request for Cancellation of Enrolment

- a. Students who request cancelling their enrolment to go to another education provider must follow the Student Transfer Policy and complete the appropriate documentation.
- b. Students cancelling enrolment to return to their home country must complete the 'Defer, Suspend, Cancellation Application Form'. Supporting evidence such as an airline ticket and departure date must be provided.
- c. Students will be notified that the cancellation of enrolment may affect their student visa. TIIS will notify DESE via PRISMS of changes to a student's enrolment within 10 working days of duly received, signed and dated documents provided by the student.
- d. Should TIIS reject the cancellation application, the student will receive a refusal letter and have the right to access TIIS's internal complaints and appeals process within 20 working days of date of the refusal letter. Fees will be carried forward or refunded (if applicable), in accordance with the *Policy and Procedures – Refund*.

4.5 Suspension/Cancellation Initiated by TIIS

TIIS may suspend or cancel a student's enrolment including, but not limited to, on the basis of:

4.5.1 *misbehavior by the student*

The Registrar/CEO may convene a meeting with the student to discuss their misbehaviour. If TIIS initiates a suspension or cancellation of a student's enrolment, the student will be formally notified. The student has 20 working days (from the notification document date) to access the TIIS' internal complaints and appeals process, unless extenuating circumstances relating to the welfare of the student apply.

The severity of individual case will determine whether enrolment should be suspended or cancelled. Misbehaviour definitions are provided in section 2.7 of this document.

In cases of student misbehaviour of a criminal nature: TIIS will inform the police of any suspected or alleged criminal activity. To assist the DHA, TIIS will consult with legal counsel before it provides as much information as is reasonable regarding any criminal activity when it suspends or cancels the enrolment of the student. DHA officers will initiate any visa-related action as required.

4.5.2 *Procedural Fairness*

Where a student has been seen as misbehaving, s/he should be treated as innocent until all matters are reasonably resolved, subject to the priority of maintaining a safe learning and working environment.

4.5.3 *Failure in Tuition fee payment*

TIIS may suspend/cancel a student's enrolment based on the student's failure to pay an amount he or she was required to pay in order to undertake or continue the course as stated in the written agreement

4.5.4 *Breach of course progress or attendance requirements*

TIIS may suspend/cancel a student's enrolment based on the student's breach of course progress or attendance requirements by the overseas student, which must occur in accordance with TIIS Academic Progress Policy and Procedure in line with Standard 8 and Standard 9.3.3 .

4.5.5 Outcomes

Three outcomes for the student's Enrolment are listed as below and student will be communicated along the process.

- a. TIIS notifies DESE through PRISMS that it is deferring, extending or suspending a student's enrolment for a period without affecting the end date of the CoE. In this case there is no change to the CoE or the student's enrolment status on PRISMS. As a result, the student's CoE status will remain listed as 'studying'. However, the notice of deferment or suspension will be recorded in PRISMS and forwarded to the DHA. This information will be kept for future reference.
- b. TIIS notifies DESE through PRISMS that it is deferring, extending or suspending a student's enrolment for a period which will affect the end date of the CoE. In such situations, PRISMS will cancel the original CoE, and immediately offer the provider the opportunity to create a new CoE with a more appropriate end date. If the provider does not know when the student will return, it can choose not to create a new CoE at that point, but to wait until the student has notified the provider of the intended date of return before creating the new CoE.
- c. TIIS notifies DESE through PRISMS that it wishes to permanently cancel (terminate) the student's enrolment. Once this process is complete, the student's CoE status will be listed as 'cancelled'.

Students will be informed of the decisions and reasons in relation to the deferral, extension, suspension or cancellation of their via email. All documents will be kept in student's file.

4.6 Appeals on Decision (see Policy and Procedures – Student Grievance Handling)

- a. Should TIIS initiate suspension or cancellation of a student's enrolment, the student will be informed of the intention to notify DESE of the changed enrolment status. The student will be advised that he or she has 20 working days in which to appeal the decision utilising the grievance handling process. To 'access' the appeals process means to 'initiate' or 'start' the process – there is no expectation that the process must be completed within 20 working days. However, Standard 8.1 e. requires that the process must commence within 10 days of the formal lodgement of the complaint or appeal.
- b. If the student chooses to access TIIS's appeals process, TIIS maintains the student's enrolment until the internal appeals process is completed. To 'maintain the student's enrolment' means the provider does not notify DESE of any change to the student's enrolment status through PRISMS.

5. Lodging a Formal Complaint (see Policy and Procedures – Student Grievance Handling Policy)

5.1 Requirements

The Appeals form should be completed fully, detailing:

- a. details of complaint;
- b. relevant dates;

- c. steps taken to resolve complaint; and
- d. provide supporting evidence.

The completed form should be submitted to the CEO/Registrar.

5.2 Procedures

- a. Once the application form has been received by the CEO/Registrar, it will be date stamped and signed as received. After formal lodgement of the complaint and appeals application, the CEO/Registrar will review the issue and make a decision within 10 working days.
- b. The decision might be to agree with the validity of the complaint and take appropriate action to remedy concern, or to dismiss the complaint. The decision will be provided back to the student in writing and will include details and reasons for the decision.
- c. If the case requires further evidence, the student will be invited to formally present their case at a meeting with the CEO/Registrar. The intent is to resolve the complaint as soon as possible.
- d. The student has the right to be assisted or accompanied by a support person.
- e. Minutes will be taken of the meeting (this will include the time, date, names of people attending meeting and positions) and a decision will be made at the meeting.
- f. The outcome of the deliberations will be conveyed to the student in writing. The response will include the reasons for the decision.

5.3 Processing Timelines

- a. Complaints and appeals are regarded as a priority for consideration and action. The CEO/Registrar will investigate the formal application within the timelines stated above.
- b. There are several situations where a student may receive a Letter of Intent to report to DESE via PRISMS. This may be related to breaches of course-progress requirements (sections 9-11, ESOS Act, 2019²) or breaches of performance requirements (sections 9-11, ESOS Act, 2019) or for deferral, or for suspension or cancelling a student enrolment.

5.4 Implications for Students

It is important for the student to understand the implications of no action on their behalf and that if they intend on lodging a formal complaint, they only have 20 working days in which to do so.

After this time, if no response has been received from the student, TIIS will follow the reporting process as required by the ESOS Act, 2019.

5.5 Decision

- a. Decisions will be documented in the complaints and appeals application form including the outcome, details and reasons for the decision. The decision document and complaints outcome letter will be sent via registered post (person to person delivery) as well as email to the student and/or to the student's agent.
- b. If the decision is to dismiss the complaint, a copy of the external appeals application form will be attached to the letter.
- c. If the student disagrees with the decision, they may choose to access the external appeals process.
- d. If the decision requires corrective action, it will be documented, assigned a completion date (with responsibility) and, if possible, an agreement signed by the student.
- e. The CEO/Registrar has the responsibility of ensuring that actions are completed by set timelines.
- f. If the decision by the external appeals adjudicator is to affirm the registered provider's decision, then TIIS will, upon receiving formal documentation of the decision, take appropriate

² See: <https://www.legislation.gov.au/DESEails/F2019L00571>

actions, for example, notifying DESE via PRISMS in case of breaches of Standard 10 or 11. This action will occur within five (5) business days of receiving the formal decision.

- g. If the decision by the external appeals adjudicator is to remit the registered providers decision, then TIIS will, upon receipt of the formal decision, take appropriate actions. These actions include correcting of the issue and providing an explanation of the outcome to the student in writing; and refunding to the student reasonable pecuniary costs of the appeal process.

5.6 Enrolment Status

- a. The provider will maintain the enrolment of the student until the complaints and appeals process is completed. This means that TIIS will not notify DESE of any changes to the student's enrolment status via PRISMS.
- b. In the case of an external appeal, the continuance of enrolment during this process will depend on the type of appeal, for example:
 - i. In the case of unsatisfactory attendance or course progress and the decision to report the student, the student's enrolment will be maintained until the external complaints process is complete and the decision of provider has been upheld. At this point in time the student will be reported as per Standard 10 or 11.
 - ii. In the case of unsatisfactory attendance or course progress, TIIS will allow only one (1) external appeal before the student is reported – this is to remove the issue of when a student may wish to apply multiple external appeals processes which would stonewall the process.
 - iii. In the case of an appeal against the provider's decision to defer or suspend a student's enrolment due to misbehaviour or to cancel the student's enrolment, the provider only needs to wait until the internal appeals process has been completed. If the decision is in favour of provider, the provider will notify DESE via PRISMS of the change to the student's enrolment.

Note: This Policy and Procedures does not require that TIIS continue offering learning to students throughout the complaints or appeal process – for example:

- a) If a student continually disrupts and/or is perceived as a threat to the safety of a class/es, they may be excluded from attending by the Program Coordinator.
- b) TIIS may provide the student work to be completed away from class and/or online access to lectures (so that the student does not fall too far behind) until the decision on the complaint or appeal has been made.

5.7 Records of Complaints, Appeals and Decisions

Records of complaints, appeals and decisions are located in the Complaints and Appeals Register. These matters will also be noted in the student's file. This also includes records of Australia Post registered mail and person to person delivery.

The availability of the TIIS complaints and appeals process does not remove the right of the student to take action under Australia's consumer protection laws.

5.8 Responsibilities and Action

The CEO/Registrar is the formally designated member of staff to review complaints and convene meetings with students. As part of the process, the CEO/Registrar is required to work with the Dean and/or Program Coordinator as appropriate.

When decisions are made, the CEO/Registrar documents the outcomes:

- a. on the student's file;
- b. on the Complaints and Appeals Application Form; and
- c. in the Complaints and Appeals Register.

The CEO/Registrar will typically undertake this process in close consultation with the Program Coordinator or Dean.

All documentation regarding deferral, suspension or cancellation of student enrolment will be retained on the student's file.

DESE will be updated via PRISMS regarding approved student deferrals, suspension, or cancellations.

6. Version History

Version	Approved by	Approval date	Details
1.0	Board of Directors	15 February 2018	
1.1	Board of Directors	Outstanding	Minor Changes
1.2	EMC	10 October 2021	Major Changes

Document owner: Dean

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