



Policy - Deferring, suspending or cancelling study during enrolment

Purpose

Standard 13 of the National Code 2007 required registered providers to:

- 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
- Have documented procedures for assessing, approving and recording a deferment of the commencement of study or suspension of study for the student and keep documentary evidence on the student's file of the assessment of the application.
- Only defer or temporarily suspend the enrolment of the student on the grounds of compassionate or compelling circumstances or misbehaviour by the student
- Inform the student that deferring, suspending or cancelling his or her enrolment may affect his or her student visa and notify the Secretary of DEEWR via PRISMS as required where the student's enrolment is deferred, temporarily suspended or cancelled; and
- Inform the student of its intention to suspend or cancel the student's enrolment where the suspension or cancellation is not initiated by the student and notify the student that he or she has 20 working days to access the registered provider's internal complains and appeal process as per Standard 8.1.

Scope

This Policy applies to:

- All currently enrolled with Lawson College; and
- All Staff of Lawson College involved in the process of deferring, suspending or cancelling student enrolment.

Definitions

Academic misconduct	Academic misconduct is an attempt by students to cheat, plagiarise or otherwise act dishonestly in undertaking an assessment task, or assisting other students to do so.
Compassionate and compelling circumstances	As defined in National Code of Practice for Providers of Education and Training to Overseas Students 2007 and the accompanying Explanatory Guide, Standard 11, compassionate and compelling circumstances generally are circumstances beyond the control of the student and have had an impact upon the student's course progress or wellbeing. These may include, but are not limited to: <ul style="list-style-type: none"> • 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 (death certificate must be provided); • major political upheaval or natural disaster in the home country requiring emergency travel that has impacted on the student's studies; • a traumatic experience, such as involvement in or witnessing of a serious accident or witnessing or being the victim of a serious crime, which has impacted on the student (these cases should be supported by policy or psychologists' reports where possible); and where Lawson College was unable to offer a pre-requisite unit
Cancellation of enrolment	Withdrawal from all studies
Cheating	Cheating is the gaining of advantage by unfair means such as copying another students' work, or in any way mislead a lecturer or tutor about their knowledge, ability, or the amount of original work they have done



Course: Defer or Suspend enrolment	<p>To <i>defer</i> or <i>suspend enrolment</i> means to <i>temporarily put studies on hold</i> (adjourn, delay, postpone). Providers do this by notifying the Department of Education, through Provider Registration and International Student Management System (PRISMS) of the deferment or suspension of enrolment. A student may request a temporary deferment or suspension to his or her enrolment on the grounds of compassionate or compelling circumstances. A provider may also initiate suspension of a student's enrolment due to misbehaviour of the student.</p> <p>It is important to note the meanings of the terms for this context – suspension of enrolment is not necessarily due to misbehaviour – suspension of enrolment may also be initiated by the student [ESOS Part D, Standard 13].</p> <p>The maximum time to defer from a course [pre-enrolment and post enrolment] at Lawson College is a period of up to 12 months, normally covering the academic year, before a student who has been offered a place in a Lawson College course, enrolls in that course.</p> <p>Please note that course intakes are offered subject to numbers so there is no guarantee that the course deferred will be offered at a later date or that the course curriculum will not have been subject to significant changes or processes during the deferral period.</p>
DIBP	Department of Immigration and Border Protection
ESOS Act	Educational Services for Overseas Students Act 2007 as amended from time to time
General misconduct	General misconduct is where a student acts dishonestly, harasses other students or staff; interferes with students or staff; prevents or disrupts learning; disobeys/fails to comply with contractual or legal requirements; misuses, damages or steals Lawson College's property or the property of others; alters/defaces Lawson College's documents or records; prejudices the good name of Lawson College, or otherwise acts in an improper manner.
Leave of Absence	Leave of absence is an approved period of time during which you are not enrolled in any subjects.
Plagiarism	Plagiarism is the use of another person's concepts, results or conclusions and passing them off as their own.
Student Visa	Student visas are non-immigrant visas that do not require the holder to obtain citizenship. Any prospective student seeking higher education in another country must obtain a student visa for that country
Suspension or cancellation	<p>Once a course has commenced students may initiate a suspension or cancellation of their studies due to extenuating circumstances. Lawson College may also initiate suspension or cancellation of a student's enrolment for compelling or extenuating circumstances.</p> <p><i>The Department of Immigration and Border Protection's (DIBP's) policy is that if a student's enrolment is suspended for a period of 28 days or longer, the student must return home (unless special circumstances exist). Please refer all questions about whether a student may remain in Australia during a period of suspension of enrolment to DIBP.</i></p>
Misconduct	Behaviour not confirming to prevailing standards or laws; impropriety
Misbehaviour	To behave (oneself) in an inappropriate way
PRISMS	<p>Provider Registration and International Student Management System [PRISMS]. Through PRISMS, certain Australian Government agencies can monitor student compliance with visa conditions and provider compliance with the <i>Education Services for Overseas Students Act 2000</i> (ESOS Act).</p> <p>PRISMS is a secure system for providers to:</p> <p>-issue 'Confirmations of Enrolment' to overseas students intending to study in Australia (the Department of Immigration and Border Protection requires these to issue a student visa), and report changes in overseas students course enrolment.</p>
DEEWR	Department of Education, Employment and Workplace Relations

Policy

1. General information: deferring suspending or cancelling student enrolment

1.1 (a) Lawson College has documented procedures for assessing, approving and recording:

- A deferment of the commencement of study
- suspension of study for the student; or
- cancellation of the student enrolment.

(b) Lawson College retains documentary evidence on the student's file of the assessment of the application.



(c) Lawson College responds to a student identifying whether the student application is successful or unsuccessful. If unsuccessful, appropriate reasons for refusal will be provided to the student. Lawson College makes the student fully aware of any and all consequences.

1.2 Course deferment or suspension:

- If a student wishes to defer or suspend (temporarily delay or postponement) commencement of studies, he/she should apply to Lawson College for a course deferment form
- a student can only defer from a course prior to course commencement.

1.3 Student cancellation of enrolment:

- A student may cancel or withdraw his or her enrolment after completing the necessary forms.
- such withdrawal or cancellation will be reported through PRISMS.

2. Course deferment eligibility

2.1 Students selected into the Lawson College courses are eligible for up to one year of deferment for personal or compassionate reasons.

2.2 Deferments will be considered by Lawson College in the case of compassionate or compelling circumstances.

2.3 Lawson College will inform the student that suspending or cancelling his/her enrolment may affect his/her student visa.

3. Compassionate or compelling circumstances

These include but are not limited to:

- Serious illness or injury, where a medical certificate states that the student was unable to commence classes
- bereavement of close family members such as parents or grandparents (where possible a death certificate should be provided)
- major political upheaval or natural disaster in the home and this has impacted on the student's studies; or
- 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 prospective student (these cases should be supported by police or psychologists' reports).
- where Lawson College was unable to offer a pre-requisite unit
- inability to begin studying on the course commencement date due to delay in receiving a student visa; or
- personal reasons.

Lawson College will use professional judgement to assess each case on its individual merits.

4. Effect of deferment on student visa

4.1 Students are advised that deferment may affect a student's visa.

4.2 Students are referred to the DIBP website to gain information surrounding outcomes of deferment or helpline (131 881) for information on how the potential change to enrolment status may impact upon his/her visa.



5. Changed course requirements

- 5.1 Deferment is not permitted to allow the commencement of another tertiary course of more than one year in duration.
- 5.2 Course requirements may be altered during the period for which a student has deferred commencement. In such cases students will be subject to the course requirements that are applicable upon commencement of their studies.

6. Timelines for deferment

- 6.1 Students selected into a course will receive a letter of offer which sets out the last date by which the offer should be accepted. Students intending to defer must inform Lawson College of their intention within the designated period.
- 6.2 Lawson College can only defer or temporarily suspend the enrolment of a student on the grounds of:
- Compassionate or compelling circumstances (for example: illness where a medical certificate states that the student is unable to attend classes); or
 - misbehaviour by the student.
- 6.3 Lawson College may choose to temporarily suspend a student's enrolment if it deems the student's behaviour to be unacceptable for an educational setting.

7. Suspension or cancellation

- 7.1 Students may initiate a suspension or cancellation of their studies due to extenuating circumstances, once a course has commenced.
- 7.2 Lawson College may choose to grant or decline any student's request or suspension of studies, in accordance with its documented procedures for assessing such requests.
- 7.3 Students are advised through the International Student Handbook about the conditions of deferment and suspension of studies.
- 7.4 Regardless of whether the suspension of enrolment is the result of a student request for suspension or provider-imposed suspension of enrolment due to misbehaviour, the period of suspension of enrolment (as entered in PRISMS) should not be included in attendance monitoring calculations. See Standard 11 for further information about monitoring attendance.

8. Lawson College initiated cancellation or suspension of studies

- 8.1 Lawson College may also initiate suspension or cancellation of a student's enrolment for compelling or extenuating circumstances or for misconduct/misbehaviour by the student.
- 8.2 Lawson College will:
- (a) Inform the student that deferring, suspending or cancelling his/her enrolment may affect his/her student visa.
 - (b) Notify the Secretary DEEWR via PRISMS as required under Section 19 of the ESOS Act where the student's enrolment is deferred, temporarily suspended or cancelled.
 - (c) Refer the student to the DIBP website or helpline (131 881) for information, and the local DIBP office for advice on how the potential change to enrolment status may impact upon his/her visa.
- 8.3 If Lawson College initiates suspension or cancellation of student's enrolment they will inform the student:
- (a) Of its intention to suspend or cancel the student's enrolment where the suspension or cancellation is not initiated by the student
 - (b) that he/she has 20 working days to access the registered provider's internal complaints and appeals process as per Standard 8.1
 - (c) If the student accesses the registered provider's internal complaints and appeals process, the suspension or cancellation of the student's enrolment under this standard cannot take effect until the internal process is completed, unless extenuating circumstances relating to the welfare of the student apply



(d) They are to continue attending classes until the outcome of the complaints and appeals process is finalised and outcomes known so as not to disadvantage students (unless extenuating circumstances apply).

8.4 If the student chooses to access Lawson College's internal appeals process Lawson College will maintain the student's enrolment until the internal appeals process is completed (and has supported the provider's intention to suspend or cancel the student's enrolment). To 'maintain the student's enrolment' means Lawson College does not notify DEEWR of any change to the student's enrolment status through PRISMS.

8.5 If Lawson College notifies DEEWR through PRISMS that a student's enrolment (CoE) has been suspended for a significant period or cancelled, the student must return to his/her home country unless special circumstances exist (for example, the student is medically unfit to travel). While the provider determines the enrolment status of the student, it is DIBP who decides whether the student may remain in Australia or must return home.

8.6 If the student chooses to access the external appeals process (after exhausting the Lawson College internal process) Lawson College does not have to wait for the outcome of an external appeal before notifying DEEWR of the change to the student's enrolment status.

8.7 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 the provider to fear for the student's wellbeing
- 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.

Any claim of extenuating circumstances will need to be supported by appropriate evidence.

9. Suspension due to academic misconduct

9.1 All students are expected to maintain high standards of academic honesty and integrity.

9.2 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.

9.3 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 lecturer or tutor about their knowledge, ability or the amount of original work they have done.

9.4 Student's responsibilities:

9.4.1 Examinations

During an examination student's must:

- Not help or receive assistance from other students
- not request the loan of or lend materials or devices to other students
- not bring any materials into the examination room other than those specified for that examination
- not use computer software or other devices during an examination other than those specified.

9.4.2 Exclusion from an examination

A student may be excluded from an examination in a unit for any of the following reasons:

- Unauthorised absence from class
- failure to meet unit requirements, for example non-submission of assignments, or failure to attend class or mid-semester tests
- academic misconduct; or
- general misconduct (see below).



9.5 Lawson College's responsibilities:

9.5.1 Procedural fairness

- (a) Students must be treated fairly, with dignity and with due regard to their privacy
- (b) 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.
- (c) Past misconduct is not evidence that a student has behaved in the same manner again.
- (d) Each case is dealt with on its own merits and according to its own circumstances with the proviso that the first instance of misconduct will be penalised more leniently than subsequent instances of misconduct.

9.5.2 Penalties

- (a) Penalties imposed will take into account the nature and the extent of the misconduct
- (b) A student's second offence is penalised more severely than their first offence and a third offence will result in exclusion from Lawson College
- (c) The following penalties may be imposed: a warning, a reduction in grades, receiving zero for an assessment event, failing the unit, exclusion from Lawson College.

9.5.3 Notification and appeal

- (a) Students must be notified in writing of penalties as a consequence of academic misconduct.
- (b) Appeals must be lodged in writing with the Registrar within 20 days of the date of the student being notified of the consequence
- (c) The grounds for appeal are:
 - Procedural irregularities, and/or
 - factual errors on which the decision was based and which were of such magnitude as to invalidate the decision.

10. General misconduct

10.1 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.

10.2 General misconduct is where a student: acts dishonestly; harasses other students or staff; interferes with students or staff; prevents or disrupts learning; disobeys/fails to comply with contractual or legal requirements; misuses, damages or steals Lawson College's property or the property of others; alters/defaces Lawson College's documents or records; prejudices the good name of Lawson College, or otherwise acts in an improper manner.

10.3 Lawson College will report all criminal acts committed by its students to the relevant authorities.

10.4 The following examples indicate the kinds of behaviour which constitutes student misconduct but is not an exhaustive list – student misconduct may occur when a student:

- (a) Contravenes any rules or acts.
- (b) Prejudices the good name or reputation of Lawson College.
- (c) Prejudices the good order and governance of Lawson College or interferes with the freedom of other people to pursue their studies, carry out their functions or participate in the life of Lawson College.
- (d) Fails to comply with conditions agreed in the contract.
- (e) Wilfully disobeys or disregards any lawful order or direction.
- (f) Refuses to identify him/herself when lawfully asked to do so by an officer of Lawson College.
- (g) Fails to comply with any penalty imposed for breach of discipline.
- (h) Misbehaves in a class, meeting or other activity under the control or supervision of Lawson College, or on Lawson College premises or other premises to which the student has access as a student of Lawson College.
- (i) Obstructs any member of staff in the performance of their duties.
- (j) Acts dishonestly in relation to admission to Lawson College.



- (k) Knowingly makes any false or misleading representation about things that concern the student as a student of Lawson College or breaches any of Lawson College's rules.
- (l) Alters any documents or records.
- (m) Harasses or intimidates another student, a member of staff, a visitor to Lawson College, or any person while the student is engaged in study or other activity as Lawson College's student, because of race, ethnic or national origin, sex, marital status, sexual preference.
- (n) Breaches any confidence of Lawson College
- (o) Misuses any facility in a manner which is illegal or which is or will be detrimental to the rights or property of others. This includes the misuse, in any way, of any computing or communications equipment or capacity to which the student has access at or away from Lawson College premises while acting as a Lawson College student, in a manner which is illegal or which is or will be detrimental to the rights or property of others.
- (p) Steals, destroys or damages a facility or property of Lawson College or for which Lawson College is responsible; or
- (q) Is guilty of any improper conduct.

10.5 Penalties for general misconduct

- (a) Penalties imposed will take into account the nature and the extent of the misconduct.
- (b) A student's second offence is penalised more severely than their first offence and a third offence will result in exclusion from Lawson College.

10.6 The Chief Executive Officer may then impose the penalty of permanent exclusion from Lawson College in the case of physical or verbal abuse of students or staff of Lawson College, repeated or severe misconduct, or in the case of criminal acts.

11. Notification and appeal

11.1 Students must be notified in writing of penalties as a consequence of general misconduct.

11.2 The ground for appeal are:

- (a) Procedural irregularities, and/or
- (b) Factual errors on which the decision was based and which were of such magnitude as to invalidate the decision.

11.3 Appeals must be lodged in writing to the Registrar within 20 working days of the date of the student being notified of the consequence. The process will commence within 10 working days from the date of receipt of the student's appeal.

12. Reporting - Lawson College initiated cancellation or suspension of studies

12.1 Lawson College initiates the suspension or cancellation of a student's enrolment, and notifies the student in writing of its intention and allows the student 20 working days to access Lawson College's internal complaints and appeals process, unless extenuating circumstances relating to the welfare of the student apply.

12.2 If the student appeals the decision to suspend or cancel his/her studies, Lawson College will NOT notify DEEWR of a change to the enrolment status until the internal complaints and appeals process is completed.

12.3 Lawson College informs DEEWR via PRISMS when a student's enrolment is temporarily suspended or cancelled.

12.4 If Lawson College cancels or suspends a student's enrolment for extenuating circumstances, these may relate to the welfare of the student.

12.5 Lawson College must provide evidence of extenuating circumstances on which it based the decision.

12.6 If Lawson College notifies DEEWR via PRISMS that a student's enrolment (CoE) has been suspended for a significant period or cancelled, the student must return to his/her home country unless special circumstances exist (for example, the student is medically unfit to travel).

12.7 While Lawson College determines the enrolment status of the student, it is DIBP who decided whether



the student may remain in Australia or must return home.

12.8 Please refer all questions about whether students may remain in Australia during a period of suspension of enrolment to DIBP.

Document Summary

Quality Assurance Area		Student Management	
Policy & Procedure Name		Deferring suspending or cancelling study during enrolment	CODE: LQAF-SM SM-13
Compliance reference: https://aei.gov.au/regulatory-information/education-services-for-overseas-students-esos-legislative-framework/national-code/nationalcodepartd/pages/esosnationalcode-partd.aspx			
Related Polices & Procedures			
National Code: Standard 5: Younger students [N/A] Standard 8: Complaints and appeals		ESOS Act: Section 19	Other: Regulations 3.02 and 3.03 of the ESOS Regulations 2001 Migration act 1958 Student visa conditions 8202
Related Guidelines, forms and associated documents	<ul style="list-style-type: none"> ▪ Form – Enrolment Variation ▪ Letter – Outcome of Application to Defer ▪ Letter – Notification of Intention to Report ▪ Letter – Warning Deferring, Suspending Current Enrolment 		
11Governance	Governance and Risk Management Committee	Version – V2.0	
Responsibility	CEO & Governance and Risk Management Committee	Version History	
Written By	Governance and Risk Management Committee	Date Written: March 2013	
Approved By	Board	Date Reviewed: September 2013	
Approval Date	18 September 2013	Date Changed of Version: September 2013	
Review Date	18 September 2015	Last Update Version: September 2014	