



Policy - Deferring, suspending or cancelling the overseas student's enrolment [ESOS-S9]

Purpose

This policy outlines how a student's enrolment can be deferred, suspended or cancelled and includes:

- Assessing, approving and recording deferment, suspension or cancellation of study
- How overseas student must be notified in writing of the intention to suspend or cancel their enrolment and told to seek advice from the Australian Government Home Affairs Office on the potential impact on their visa if enrolment has been deferred, suspended or cancelled; and
- How a suspension or cancellation cannot take effect until the overseas student has been given a chance to complete an internal appeals process, unless the health or wellbeing, or the wellbeing of others, is likely to be at risk.

Scope

This Policy applies to:

- All overseas students 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	Circumstances generally those beyond the control of the overseas student and which may have an impact upon the overseas student's course progress or wellbeing.
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</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>
ESOS Act	Educational Services for Overseas Students Act 2018 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	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.
Misconduct	Behaviour not confirming to prevailing standards or laws; impropriety
Misbehaviour	To behave (oneself) in an inappropriate way
PRISMS	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). PRISMS is a secure system for providers to: -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.
DET	Department of Education and Training

Policy

1. General information: deferring suspending or cancelling student enrolment

- 1.1 Lawson College has documented procedures for assessing, approving and recording
 - a. A deferment of the commencement of study
 - b. suspension of study for the student; or
 - c. cancellation of the student enrolment.
- 1.2 Lawson College retains documentary evidence on the student's file of the assessment of the application.
- 1.3 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.
- 1.4 Course deferment or suspension:
 - a. 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
 - b. a student can only defer from a course prior to course commencement.
- 1.5 Student cancellation of enrolment:
 - a. A student may cancel or withdraw his or her enrolment after completing the necessary forms.
 - b. Such withdrawal or cancellation will be reported through PRISMS.
- 1.6 Lawson College will inform the student that suspending or cancelling his/her enrolment may affect his/her student visa and they should seek advice from the Australia Government Home Affairs Office as to the potential impact on their visa.
- 1.7 Regardless of the reason, if an overseas student enrolment is deferred or suspended the period of suspension of enrolment (as entered in PRISMS should not be included in attendance monitoring calculations [if used])
- 1.8 Students selected into the Lawson College courses are eligible for up to one year of deferment for compassionate or compelling circumstances and evidence is provided to support this.

5. Changed course requirements



- 5.1 Deferment is not permitted to allow the commencement of another 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 and suspension

- 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 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. Lawson College initiated cancellation or suspension of studies

- 7.1 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.
- 7.2 Lawson College Australia will advise overseas students that deferring, suspending or cancelling their enrolment on any grounds may affect their student visa.
- 7.3 There are three (3) possible outcomes for an overseas student's CoE. The following outlines the effects on Confirmation of Enrolment (CoE) and Visa [deferment or suspension, and cancellation]:
- Lawson College will notify the DEET through PRISMS that they are deferring or suspending an overseas student's enrolment for a period **without affecting the end date of the COE**. There will be no change to the CoE on PRISMS - the overseas student will still be listed as studying. However the notice of deferment or suspension will be recorded in PRISMS.
 - Lawson College will notify the DEET through PRISMS that they are deferring or suspending an overseas student's enrolment for a period **which will affecting the end date of the COE**. PRISMS will cancel the original CoE and immediately offer Lawson College Australia the opportunity to create a new CoE with a more appropriate end date. If Lawson College does not know when the overseas student will return, it can choose not to create a new CoE at that point, but to wait until the overseas student has notified Lawson College Australia of the intended date of return before creating a new CoE.
 - Lawson College Australia notifies the DEET through PRISMS that it wishes to permanently cancel (terminate) the overseas student's enrolment. Once this process is complete, the overseas student's CoE status will be listed as 'cancelled'.

8. Student initiated deferral, suspensions or cancellations of their enrolment

- 8.1 Lawson College Australia is able to defer or suspend the enrolment of an overseas student if there are compassionate or compelling circumstances. Provision of evidence determined to be 'compassionate or compelling' which could include, but are not limited to:
- Serious illness or injury, where a medical certificate states that the overseas student was unable to attend 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 country requiring emergency travel and this has impacted on the overseas student's studies; or
 - A traumatic experience, which could include:



- Involvement in, or witnessing or a serious accident; or
 - Witnessing or being the victim of a serious crime, and this has impacted on the overseas student (these cases should be supported by police or psychologist' reports).
- e. Where Lawson College Australia is unable to offer a pre-requisite unit, or the overseas student has failed a prerequisite unit and therefore faces a shortage of relevant units for which they are eligible to enroll; or
- f. Inability to begin studying on the course commencement date due to delay in receiving a student visa.
- a. Intervention strategies have been implemented or is in the process of being implemented for the overseas student who is at risk of not meeting course progress requirement; or
 - b. An approved deferral or suspension of the overseas student's enrolment has occurred.

8.2 Lawson College will use professional judgement to assess each case on its individual merits and maintain documentary evidence in the overseas student's file.

9. Provider -initiated deferrals, suspensions or cancellations of enrolment

9.1 Lawson College Australia may suspend or cancel an overseas student's enrolment on the basis of, but not limited to:

- a. Misbehaviour by the overseas student
- b. The overseas student's failure to pay the required amount to undertake or continue the course as stated in the written agreement; or
- c. A breach of course progress or attendance requirements by the overseas student.

9.2 Should Lawson College initiate deferrals, suspensions or cancellations of enrolment the overseas student will be given a notice of intention to report and 20 working days to access Lawson College Australia's internal complaints and appeals process. This notice and time line will apply even if an overseas student's misbehaviour is grounds for immediate expulsion, unless the overseas student's health or wellbeing, or the wellbeing of others, is likely to be a risk.

9.3 Generally, Lawson College Australia will proceed with the deferral, suspension, or cancellation after the internal complaints handling and appeals process has been completed - for example, in cases of misbehaviour and non-payment. The only time Lawson College Australia will wait for both the internal and external complaints handling and appeals processes to be completed is for course progress and/or attendance breaches.

9.4 An overseas student will not be given the opportunity to appeal a provider-initiated deferral, suspension or cancellation of enrolment when the overseas student's health or wellbeing, or the wellbeing of others, is likely to be at risk. Lawson College will keep evidence to support this decision. This may include, but is not limited to when the overseas student:

- a. Is missing
- b. Has medical concerns, severe depression or psychological issues which lead the provider to fear for the overseas student's wellbeing
- c. Has engaged or threatens to engage in behaviour that is reasonable believed to endanger the overseas student or others; or
- d. Is at risk of committing a criminal offence.

10. Suspension due to academic misconduct

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



10.2 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 Trainer and Assessor about their knowledge, ability or the amount of original work they have done.

11. Student's responsibilities:

11.1 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.

11.2 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).

12. Lawson College's responsibilities:

12.1 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.

12.2 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.

12.3 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

12.4 The grounds 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.

13. General misconduct



13.1 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.

13.2 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.

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

13.4 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 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.
- c. 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.

Document History and Version Control Table

Version Number	Date approved	Approved by	Type of change	Extent
V 1.0	18/09/2013	GRMC	Initial	Initial development
V 2.0	18/09/2015	GRMC	Major	Updated and reformatted
V 3.0	18/09/2018	GRMC	N/A	Reviewed and updated in relation to ESOS 2018