



## Policy - Deferring, suspending or cancelling the overseas student's enrolment

### Purpose

This policy outlines how Lawson College Australia appropriately manages the enrolment of overseas students and ensures all necessary information about enrolments has been provided to the relevant government department by maintaining updated information in the Provider Registration and International Student Management System (PRISMS) database. (National Code; ESOS Standard 9)

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

- Assessing, approving and recording deferment of the commencement of study or suspension of study requested by an overseas student, or suspension or cancellation of an overseas student's enrolment by the registered provider;
- How the overseas student must be notified in writing of the intention to suspend or cancel their enrolment, and the reasons for doing so, and told to seek advice from the Australian Government Department of Home Affairs on the potential impact on their visa if enrolment has been deferred, suspended or cancelled;
- Advise the overseas student of their right to appeal through the provider's internal complaints and appeals policy; 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

<b>Academic misconduct</b>	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.
<b>Cancellation of enrolment</b>	Withdrawal from all studies
<b>Cheating</b>	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
<b>Compassionate and compelling circumstances</b>	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.
<b>Confirmation of Enrolment - CoE</b>	Confirmation of Enrolment. A CoE is issued through PRISMS enabling a student to apply for a student visa

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<b>Course: Defer or Suspend enrolment</b>	<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 and Training, 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 misbehavior of the student.</p> <p>It is important to note the meanings of the terms for this context – <b>suspension</b> of enrolment is not necessarily due to misbehavior – 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>
<b>Department of Education and Training - DET</b>	Australian Government Department of Education and Training
<b>Department of Home Affairs - DoHA</b>	Department of Home Affairs. The DoHA brings together Australia's federal law enforcement, national and transport security, criminal justice, emergency management, multicultural affairs and immigration and border-related functions, working together to keep Australia safe. <a href="https://www.homeaffairs.gov.au/">https://www.homeaffairs.gov.au/</a>
<b>ESOS Act</b>	Educational Services for Overseas Students Act as amended from time to time
<b>General misconduct</b>	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.
<b>Leave of Absence</b>	<b>Leave of absence</b> is an approved period of time during which you are not enrolled in any subjects.
<b>Misbehaviour</b>	To behave (oneself) in an inappropriate way
<b>Misconduct</b>	Behaviour not conforming to prevailing standards or laws; impropriety
<b>National Code</b>	The National Code of Practice for Providers of Education and Training to Overseas Students
<b>Plagiarism</b>	Plagiarism is the use of another person's concepts, results or conclusions and passing them off as their own.
<b>PRISMS</b>	<p><b>Provider Registration and International Student Management System [PRISMS]</b>. 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> <ul style="list-style-type: none"> <li>-issue 'Confirmations of Enrolment' to overseas students intending to study in Australia (the Department of Home Affairs requires these to issue a student visa), and report changes in overseas student's course enrolment.</li> </ul>
<b>Registrar</b>	A registrar is an official in an academic institution who handles student records
<b>Student Conduct Committee</b>	A committee comprising nominated senior internal staff convened for the purpose of assessing the alleged misconduct of the overseas student.
<b>Student Visa</b>	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
<b>Suspension or cancellation</b>	<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 Home Affairs (DoHA) 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 DoHA.</i></p>

[S = related ESOS Standard]

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## Policy

### 1. General information: deferring suspending or cancelling the overseas student's enrolment

- 1.1 Lawson College has documented procedures for assessing, approving and recording
  - a. a deferment of the commencement of study or
  - b. suspension of study requested by the overseas student; or
  - c. cancellation of the overseas student's enrolment. [S9.1]
- 1.2 Lawson College retains documentary evidence on the overseas student's file of the assessment of the application.[S9.1]
- 1.3 Lawson College responds to an overseas student's request, informing them if their application is successful or unsuccessful. If unsuccessful, appropriate reasons for refusal will be provided to the student. [S9.1]
- 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 Overseas 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 overseas student that suspending or cancelling his/her enrolment may affect his/her student visa and they should seek advice from the Australian Government Department of Home Affairs as to the potential impact on their visa.[S9.5.1]
- 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.

### 2. Changed course requirements

- 2.1 Deferment is not permitted to allow the commencement of another course of more than one year in duration.
- 2.2 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.

### 3. Timelines for deferment and suspension

- 3.1 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.
- 3.2 Lawson College can only defer or temporarily suspend the enrolment of a student on the grounds of:
  - a. Compassionate or compelling circumstances or
  - b. misbehaviour by the student
- 3.3 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.

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#### 4. Lawson College initiated cancellation or suspension of studies

- 4.1 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. [S9.2, S9.3.1]
- 4.2 Lawson College Australia will advise overseas students that deferring, suspending or cancelling their enrolment on any grounds may affect their student visa and that they should seek advice from immigration on the potential impact on their student visa. [S9.5.1]
- 4.3 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 DET 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 DET through PRISMS that they are deferring or suspending an overseas student's enrolment for a period **which will affect 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 wait until the overseas student has notified Lawson College Australia of the intended date of their return before creating a new CoE.
  - Lawson College Australia notifies the DET 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'.
- 4.4 Lawson College Australia reports the change to the overseas student's enrolment under section 19 of the ESOS Act. [S9.5.2]

#### 5. Student initiated deferral, suspensions or cancellations of their enrolment

- 5.1 Lawson College Australia may defer or suspend the enrolment of an overseas student if it believes there are compassionate or compelling circumstances. [S9.2] Provision of evidence determined to be 'compassionate or compelling' which could include, but 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).
  - 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;
  - Student wishing to cancel their enrolment prior to the completion of 6 months of study in their principal course must have compelling or compassionate circumstances
  - Inability to begin studying on the course commencement date due to delay in receiving a student visa.

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- i. 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
  - ii. An approved deferral or suspension of the overseas student's enrolment has occurred.
- 5.2 Lawson College will use professional judgement to assess each case on its individual merits and maintain documentary evidence in the overseas student's file.
- 5.3 If the request to defer, suspend or cancel the enrolment is approved and / or the student is leaving Australia the student must:
  - a. Provide copies of the confirmed flight tickets and
  - b. Provide copy of the flight 'boarding pass' and
  - c. Provide evidence that the tuition fee is paid and up to date as per the student written agreement, and
  - d. If any scholarship was offered, the student is liable to pay all the previous tuition fee at a full fee rate and the scholarship offered will be forfeited as per the student written agreement.

## 6. Provider -initiated deferrals, suspensions or cancellations of enrolment

- 6.1 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, which must occur in accordance with ESOS Standard 8 Overseas student visa requirements. [S9.3.1, S9.3.2, S9.3.3]
- 6.2 Should Lawson College initiate deferrals, suspensions or cancellations of enrolment the overseas student will be given a notice of intention to report and the reasons for doing so in writing and 20 working days to access Lawson College Australia's internal complaints and appeals process. This notice and timeline 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. [S9.4.1, S9.4.2]
- 6.3 If any scholarship was offered, the student is liable to pay all the previous tuition fee at a full fee rate and the scholarship offered will be forfeited as per the student written agreement.
- 6.4 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. [S9.6]
- 6.5 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: [S9.6]
  - 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 reasonably believed to endanger the overseas student or others; or
  - d. Is at risk of committing a criminal offence.

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## 7. Suspension due to academic misconduct

- 7.1 All students are expected to maintain high standards of academic honesty and integrity.
- 7.2 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.
- 7.3 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.

## 8. Student's responsibilities:

### 8.1 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.

### 8.2 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. Lawson College's responsibilities:

### 9.1 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 a 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.

### 9.2 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.

### 9.3 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

### 9.4 The grounds for appeal are:

- a. Procedural irregularities, and/or

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- b. 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.

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- 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 Director 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 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.
- 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	18/01/2018	CEO	N/A	Reviewed and updated in relation to ESOS 2018
V 3.1	24/09/2018	CEO	Minor	Reviewed and updated to reflect changes in legislative arrangements
V 4.0	13.08.2019	QACC	Major	Reviewed by Quality and Compliance Committee (QACC)

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