

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 provider-initiated 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

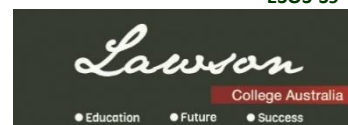
This Policy applies to:

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

Definitions

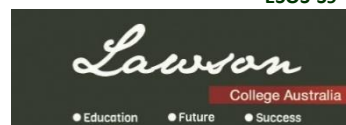
Academic misconduct	Academic misconduct is an attempt by students to cheat, plagiarise or otherwise act dishonestly in undertaking an assessment task, or assisting other students to do so.
ASQA	Australian Skills Quality Authority (ASQA) is the national regulator for Australia's vocational education and training sector. ASQA regulates courses and training providers to ensure nationally approved quality standards are met.
Cancellation of enrolment	Permanent cessation of 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
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.
Confirmation of Enrolment - CoE	Confirmation of Enrolment. A CoE is issued through PRISMS enabling a student to apply for a student visa

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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). Deferment- A request by the student prior to the commencement of study of their program to temporarily postpone study. Suspension- The enrolment of a student in their program of study is suspended for a period of time, after which time the student may recommence study.</p> <p>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 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. The period of time for student-initiated deferral/suspension is up to a <u>maximum of two time-tabled compulsory study periods</u>.</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>
Department of Education and Training - DET	Australian Government Department of Education and Training
Department of Home Affairs - DoHA	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. https://www.homeaffairs.gov.au/
ESOS Act	Educational Services for Overseas Students Act 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 Australia 's property or the property of others; alters/defaces Lawson College's documents or records; prejudices the good name of Lawson College Australia, or otherwise acts in an improper manner.
Misbehaviour	To behave (oneself) in an inappropriate way
Misconduct	Behaviour not conforming to prevailing standards or laws; impropriety
National Code	The National Code of Practice for Providers of Education and Training to Overseas Students
Plagiarism	Plagiarism is the use of another person's concepts, results or conclusions and passing them off as their own.
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> <ul style="list-style-type: none"> -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.
Registrar	A registrar is an official in an academic institution who handles student records
Student Conduct Committee	A committee comprising nominated senior internal staff convened for the purpose of assessing the alleged misconduct of the overseas student.
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 request a suspension of their studies due to compassionate or compelling reasons. Lawson College Australia can also initiate a suspension or cancellation of a student's enrolment for compelling or extenuating circumstances; or misbehaviour by the student; and other reasons as detailed in the Policy.</p> <p><i>Students are advised to contact The Department of Home Affairs (DoHA) to determine if they must return home.</i></p>
Timetabled Compulsory Study Period/Term	A period of time that normally reflects the Victorian Government Education and Training term dates and breaks, for Schools. At Lawson College Australia, one term normally aligns with one time-tabled compulsory study period. A timetabled <i>compulsory study period</i> is one in which the student must enrol unless granted a deferment or suspension from enrolment.

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Written Agreement	<p>A written agreement under Australian law, is in regard to acceptance of an offer of a course and must be in the form of a written agreement. This is the document that the student signs when they enrol with an education provider. In the written agreement, providers must give detailed information on:</p> <ul style="list-style-type: none"> • the course enrolled in • payment plan for tuition fees including the number and length of each study period • any non-tuition fees • refund entitlements in different situations • course requirements including minimum English language • requirements on attendance and making satisfactory progress; that is, that they must participate in scheduled classes in accordance with course timetables to make satisfactory course progress, and if they don't satisfactorily progress in their course, they will be in breach of a condition of their visa. • that ASQA may, at any time, require a training provider to implement policies and procedures to monitor minimum attendance requirements and if students don't meet these requirements, they will be in breach of their visa • any services that can support student safety, and • that the DoHA may cancel a student's visa if they fail to maintain their enrolment <p>(https://www.asqa.gov.au/news-publications/publications/fact-sheets/overseas-student-attendance July 2019)</p>
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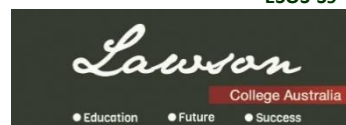
[S = related ESOS Standard]

Policy

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

- 1.1 Lawson College Australia 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 Australia retains documentary evidence on the overseas student's file of the assessment of the application including maintaining a record of any decisions.[S9.1]
- 1.3 Lawson College Australia 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 Australia using the Form – Deferring, Suspending or Cancelling the Overseas Student's Enrolment.
 - 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 his or her enrolment in the following circumstances:
 - i. Student ceases studies
 - ii. Immigration cancels their visa
 - b. Such cancellation will be reported through PRISMS.
- 1.6 Lawson College Australia will inform the overseas student that deferring, 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 Students selected into the Lawson College Australia courses are eligible for deferment/suspension for compassionate or compelling circumstances and must provide evidence to support this.
- 1.8 The period of time for student-initiated deferral/suspension is up to a maximum of two time-tabled compulsory study periods.

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- 1.9 Students are advised that course intakes are offered subject to numbers so there is no guarantee that the course deferred/suspended will be offered at a later date.
- 1.10 Students can only defer or temporarily suspend their enrolment on the grounds of:
- Compassionate or compelling circumstances [See Section 2: **Student initiated deferral, suspensions or cancellations of their enrolment** of this Policy – *Deferring, suspending or cancelling the overseas student's enrolment*]
- 1.11 Lawson College Australia may also initiate suspension or cancellation of a student's enrolment for reasons outlined in Section 3: **Provider -initiated suspensions or cancellations of enrolment** of this Policy – *Deferring, suspending or cancelling the overseas student's enrolment*.
- 1.12 Deferral, suspensions or cancellation of enrolment may affect the student's Confirmation of enrolment (CoE)
- 1.13 Lawson College Australia reports the change to the overseas student's enrolment under section 19 of the ESOS Act. [S9.5.2]
- 1.14 The DoHA may cancel an overseas student visa if the deferral or suspension: - [S9 Fact Sheet]
- is due to the conduct of the student;
 - is for reasons other than compassionate or compelling circumstances;
 - the compassionate or compelling circumstances which warranted the deferral or suspension of studies cease to exist;
 - is based on fraudulent evidence or documents given to the registered provider

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

- 2.1 Lawson College Australia may defer, suspend or cancel 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' could include, but is 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).
 - 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
- 2.2 Lawson College Australia will use professional judgement to assess each case on its individual merits and maintain documentary evidence in the overseas student's file.
- 2.3 If the request to defer, suspend or cancel the enrolment is approved and / or the student is leaving Australia the student must:
- Provide copies of the confirmed flight tickets and
 - Provide copy of the flight 'boarding pass' and
 - Provide evidence that the tuition fee is paid and up to date as per the student written agreement, and
 - If any scholarship was offered, Scholarships/Fee waiver/Fee Discount will be forfeited and the student will be liable to pay all /any of the balance of previous full tuition fee that is, payment of the

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difference between the full tuition fee and the scholarship paid and/or any other waived or discounted fee at a full fee rate, per the Student Written Agreement.

2.4 If the request to defer or suspend enrolment is approved, the student must provide evidence of payment of Instalment Tuition Fee, on the instalment due date, prior to re-commencement of classes:

- 01 March
- 01 June
- 01 September
- 01 December

3. Provider -initiated suspensions or cancellations of enrolment

- 3.1 Lawson College Australia may suspend or cancel a student's enrolment including, but not limited to, on the basis of: - [9.3]
- a. Misbehaviour by the student [S9.3.1] (see also Section 4: **Notification and appeal – misbehaviour by the student** of this Policy – *Deferring, suspending or cancelling the overseas student's enrolment*; and Appendix – *Misbehaviour by the student*)
 - i. Academic misconduct
 - ii. General misconduct
 - iii. Criminal acts will be reported to the relevant authorities
 - b. The overseas student's failure to pay the required amount to undertake or continue the course as stated in the written agreement; [S9.3.2] 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. [S9.3.3]
- 3.2 Should Lawson College Australia initiate 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]
- 3.3 If any scholarship was offered, Scholarships/Fee waiver/Fee Discount will be forfeited and the student will be liable to pay all /any of the balance of previous full tuition fee that is, payment of the difference between the full tuition fee and the scholarship paid and/or any other waived or discounted fee at a full fee rate, as per the Student Written Agreement.
- 3.4 Generally, Lawson College Australia will proceed with the 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]
- 3.5 An overseas student will not be given the opportunity to appeal a provider-initiated 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 Australia 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.

4. Notification and appeal – misbehaviour by the student

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- 4.1 Students must be notified in writing of penalties as a consequence of their misbehaviour.
- 4.2 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.
- 4.3 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	30/09/2019	QACC	Major	Complete revision with appendix added
V 4.1	23.03.2020	QACC	Minor	Section 2.4 added

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APPENDIX: *Misbehaviour by the student*

The following information provides information about behaviours that are not deemed appropriate in reference to ESOS Standard 9.3: A registered provider may suspend or cancel a student's enrolment including, but not limited to, on the basis of 9.3.1 misbehaviour by the student.

1. Academic misconduct

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

1.1 Lawson College Australia's responsibilities:

1.1.1 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.

1.1.2 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 Australia
- 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 Australia.

1.1.3 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

1.1.4 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.

2. General misconduct

- 2.1 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.
- 2.2 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 Australia's property or the property of others; alters/defaces Lawson College Australia's documents or records; prejudices the good name of Lawson College Australia, or otherwise acts in an improper manner.
- 2.3 Lawson College Australia will report all criminal acts committed by its students to the relevant authorities.
- 2.4 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 Australia.

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- c. Prejudices the good order and governance of Lawson College Australia or interferes with the freedom of other people to pursue their studies, carry out their functions or participate in the life of Lawson College Australia.
 - 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 Australia.
 - 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 Australia, or on Lawson College Australia premises or other premises to which the student has access as a student of Lawson College Australia.
 - i. Obstructs any member of staff in the performance of their duties.
 - j. Acts dishonestly in relation to admission to Lawson College Australia.
 - 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 Australia's rules.
 - l. Alters any documents or records.
 - m. Harasses or intimidates another student, a member of staff, a visitor to Lawson College Australia, or any person while the student is engaged in study or other activity as Lawson College Australia's student, because of race, ethnic or national origin, sex, marital status, sexual preference.
 - n. Breaches any confidence of Lawson College Australia.
 - 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 Australia premises while acting as a Lawson College Australia 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 Australia or for which Lawson College Australia is responsible; or
 - q. Is guilty of any improper conduct.
- 2.5 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.
- 2.6 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 Australia.
- 2.6 The Director may impose the penalty of permanent exclusion from Lawson College Australia in the case of physical or verbal abuse of students or staff of Lawson College Australia, repeated or severe misconduct, or in the case of criminal acts.
- 2.7 Students must be notified in writing of penalties as a consequence of general misconduct.
- 2.8 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.
- 2.9 Appeals must be lodged in writing to the Registrar within 20 working days of the date of the student being notified of the consequence.

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