



**OXFORD COLLEGE OF BUSINESS (CRICOS: 02573B)**  
**OXFORD ENGLISH LANGUAGE CENTRE (CRICOS NO. 02501G)**  
**OXFORD COLLEGE (CRICOS NO. 02427A, REGISTERED SCHOOL NO. 2016)**

## **Refusal, Deferral, Suspension and Cancellation of Student Enrolment Policy & Procedures**

### **1. Purpose**

This policy is to provide guidelines for staff and students on refusal, deferral, suspension and cancellation of student enrolment, and to meet the requirements of Standard 13 of the National Code: Deferring, suspending or cancelling the student's enrolment.

See also:

Complaints and Appeals Policy  
 Course Progress Policy  
 Student Code of Conduct Policy

### **2. Scope**

This policy applies to all students of Oxford.

### **3. Definitions**

**'Defer enrolment'** means to temporarily put studies on hold. Postponement of commencement of a course by prospective students who have been offered a place in courses offered by the college and have not yet commenced studies.

**'Suspension of enrolment'** means temporary postponement of enrolment during a course. Suspension of enrolment is not necessarily due to misbehavior, students can also initiate deferral or suspension of enrolment.

**Cancellation of enrolment** is where enrolment is terminated. Cessation of enrolment (course withdrawal).

**Misbehavior** is defined as students who display unacceptable code of conduct as stated in the Student Handbook and Student Code of Conduct Policy.

**Unauthorised leave of absence:** leave not formally approved by Oxford.

**Compassionate or compelling circumstances** are defined as circumstances beyond the control of the student and which have an impact upon the student's course progress or wellbeing. These could include, but are not limited to:

- o Serious illness or injury, where the student is unable to attend classes; evidenced by a medical certificate. Medical certificates and reports may include doctor/ dentist/ psychologist or

Oxford Business College Pty. Ltd. is trading as Oxford College of Business (CRICOS No. 02573B, RTO No. 21442, ABN 82106 243 378); Oxford English Language Centre Pty. Ltd. is trading as Oxford English Language Centre (CRICOS No. 02501G, ABN 35 100 454 475); Oxford College Pty. Ltd is trading as Oxford College (CRICOS No. 02427A, Registered School No. 2016, ABN 41 102 265 225).

© OXFORD Last update and implemented: January 2017. To be reviewed: January 2018.

- counsellor reports appropriate to the medical condition cited (Medical documentation or a psychological report to include a health professional's opinion regarding the student's inability to attend classes for an extended period of time or recommendation of a reduced study load or break from study. Documentation must include the practitioner's name and contact details on official letterhead, the consultation date, student's details and the health professional's clinical opinion as to the approximate dates (specific where possible) of the student's inability to study.
- o Bereavement of immediate family members evidenced by a death certificate and evidence of relationship: this may include a letter from a highly regarded, independent member of the community that supports the relationship claims.
  - o Major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the student's studies. (Evidence sourced from the relevant Australian Government department responsible for foreign affairs of civil war/significant political unrest; or current media articles covering the event.)
  - o 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 student (these cases should be supported by police or psychologists' reports)
  - o Where Ozford was unable to offer a pre-requisite unit; or when implementing its intervention strategy for unsatisfactory course progress and the unit the student needs to undertake is not offered until a later date.
  - o Inability to begin studying on the course commencement date due to delay in receiving a student visa.
  - o Where the deferral/suspension would benefit the students welfare (at the discretion of Ozford).

Statutory Declarations will be accepted in certain circumstances. However, such evidence will be scrutinised within the context of the student's overall academic history, progress and attendance.

For students with poor progress and/or attendance, statutory declarations will not be accepted. If it is found that a student is repeatedly requesting suspensions of studies on the basis of statutory declarations which casts doubt on the genuineness of such declarations, the student will no longer be permitted to use statutory declarations as supporting evidence.

Inability to provide supporting documentation will result in requests for a suspension of studies being denied. All documentation must be provided at the time of request. In assessing suspension of studies applications, the college may also consider the student's:

- o Previous requests for a suspension of studies
- o Academic progress history
- o Attendance history
- o Teacher reports
- o Other relevant evidence that assists Ozford in assessing the application.
- o Ozford keeps records of documents submitted, as well as outcomes of decisions made. These records and outcomes are kept in the student file.

**The following circumstances will not be considered as compassionate and compelling:**

- Circumstances which are considered to be within the control of a student or which are to be expected in the normal course of the student's academic life.
- Claims unable to be supported by documented evidence. For example, a student claim that they were confused about a term-end date and went on holiday early.
- Claim that the student did not know about Ozford policy and procedures unless the student demonstrates that policy and procedures were never made available to the student.
- Inability to pay tuition fees and financial hardship are not considered compassionate/compelling circumstances as it is a student visa condition to have sufficient funds for study and living purposes. Students who experience financial strain that results negatively on their studies should contact Student Services for support in the first instance.
- Work schedule conflicts with class schedule resulting in student not attending classes. This is not regarded as a circumstance beyond a student's control. International student visa holders must not rely on the proceeds of paid employment in Australia to support their studies or living costs.

**Retrospective Suspension of Studies Applications**

A retrospective suspension of studies application is one submitted after the student has taken unapproved leave. Unapproved leave is defined as leave taken without the student being granted a formal suspension of studies.

Backdating of suspension of studies applications will not be accepted except in special circumstances beyond student control. For example, a student who is in a coma as a result of a trauma and unable to contact the school may apply for a retrospective suspension of studies upon their recovery.

If students have taken unauthorised leave of absence they will be recorded as absent and reported to Department of Education (DOE) in accordance with Ozfords' attendance policy and Satisfactory Course Progress Policy.

Where the deferral, suspension or cancellation is granted and processed, Ozford will notify Department of Education and Training and DIBP via PRISMS.

**4. General Policy**

4.1 Ozford may 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, on the grounds of:

- compassionate or compelling circumstances (e.g. illness where a medical certificate states that the student is unable to attend classes), or
- misbehavior by the student

Students can only apply for suspension or deferral of enrolment based on the 2 conditions above and with supporting evidence attached. Application with no supporting evidence attached will not be considered.

- 4.2 Application for Deferral, Suspension and Cancellation of Student Enrolment need to be submitted at least 10 working days before the Deferral, Suspension and Cancellation date for the application to be processed (including all supporting documents). Any application received later than this date will not be processed.

### **Default by Student**

- 4.3 The student is in default if:
- the course starts on the Agreed Starting Day, but the student does not start the course on that day (and has not previously validly withdrawn);
  - the Student withdraws from the course (either before or after the agreed starting day); or
  - Ozford refuses to provide, or continue providing, the course to the Student because of one or more of the following events:
    - the Student failed to pay an amount he or she was liable to pay to Ozford, directly or indirectly, in order to undertake the course; or
    - Student misbehaviour, as outlined in the Student Code of conduct.

- 4.4 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 teacher about their knowledge, ability or the amount of original work they have done. Any suspected acts of this nature will be investigated and the student will be entitled to natural justice.

All students are expected to comply with the Ozford Code of Conduct. The Ozford Code of Conduct stresses the importance of treating each other fairly, ethically and with respect and dignity at all times. Ozford expects all students to behave in a mature and responsible manner. Any breach of the Code of Conduct will be investigated and the student will be entitled to natural justice.

- 4.5 The enrolment of Ozford students can be suspended and cancelled for serious and/or continued misconduct of a nature in breach of Ozford's Code of Conduct. Also for continued unsatisfactory course progress, continuous absence from scheduled course hours(in line with the Attendance Policy)

- 4.6 All students are responsible for
- Paying fees by the required due date and
  - Informing Ozford if students are not able to pay fees by the due date

Students will be advised of the amount of the payment due by mailed invoice and are expected to make payment on the due date. The non-payment of fees will result in cancellation of enrolment.

- 4.7 Where the suspension or cancellation is not initiated by the student, Ozford must inform students of its intention to suspend or cancel the student's enrolment and notify the student that he or she has 20 working days to access Ozford's Complaints and Appeals process. If the student accesses the

Complaints and Appeals process, the suspension or cancellation of the student's enrolment cannot take effect until the internal process is completed, unless extenuating circumstances relating to the welfare of the student apply.

- 4.8 OZFORD will give notice in accordance with ESOS Section 47C if an overseas student or intending overseas student defaults. OZFORD will notify, in writing the Department of Education (DOE) Secretary and the TPS Director, via the Provider Registration and International Students Management System (PRISMS), of the default within 14 days of the default occurring.
- 4.9 Where student access the appeal process, OZFORD will not notify the DOE via PRISMS of a change to the enrolment status until any complaints and appeals process is completed, unless extenuating circumstances relating to the welfare of the student apply.
- 4.10 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 Ozford to fear for the student's wellbeing;
  - has engaged or threatens to engage in behavior 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.
- 4.11 OZFORD will inform the student in writing that deferring, suspending or cancelling his or her enrolment may affect his or her student visa and will notify the Secretary of the Department via PRISMS as required under Section 19 of the ESOS Act when the student's enrolment is deferred, temporarily suspended or cancelled.
- 4.12 Ozford must keep any documentary evidence on the student file of the assessment of the application.
- 4.13 Ozford may refuse enrolment of a student on the grounds of unsuitable characteristics, such as evidence of violent behaviour or involvement in criminal activity.

#### **Default by Ozford**

- 4.14 Ozford is in default if the student has not withdrawn before the Default Day and:
- the course does not start on the Agreed Starting Day;
  - the course ceases to be provided at any time after it starts but before it is completed; or
  - the course is not provided in full to the student because a sanction has been imposed on Ozford under Part 6 of the Education Services for Overseas Students Act 2000.
- 4.15 If the course will not commence on the Agreed Starting day, Ozford will offer the student the option of:
- Commencement on another date;
  - Another option for study such as another suitable Ozford course; or

Ozford Business College Pty. Ltd. is trading as Ozford College of Business (CRICOS No. 02573B, RTO No. 21442, ABN 82106 243 378); Ozford English Language Centre Pty. Ltd. is trading as Ozford English Language Centre (CRICOS No. 02501G, ABN 35 100 454 475); Ozford College Pty. Ltd is trading as Ozford College (CRICOS No. 02427A, Registered School No. 2016, ABN 41 102 265 225).

©OZFORD Last update and implemented: January 2017. To be reviewed: January 2018.

- Provide a refund in accordance with the Refund Policy and Procedure.
- 4.16 If a course is not provided in full to the student because a sanction has been imposed on Ozford under Part 6 of the Education Services for Overseas Students Act 2000, Ozford will comply with the requirements of the Regulator and/or TPS Manager.
- 4.17 Under Section 46A of the ESOS Act a registered provider defaults, in relation to an overseas student or intending overseas student and a course at a location, if:
- The provider fails to start providing the course to the student at the location on the agreed starting day; or
  - After the course starts but before it is completed, it ceases to be provided to the student at the location; and the student has not withdrawn from the course before the default day.
- Under Section 46B of the ESOS Act, Ozford must notify the Secretary and the TPS Director of the default within 3 business days of the default occurring. Under Section 46B students also need to be notified in relation to the default.
- 4.18 The notices to the TPS Director and students will be in writing and meet the requirements of Section 46B.
- 4.19 Under Section 46D of the ESOS Act, Ozford has 28 days after the day of the default (the provider obligation period) to satisfy the tuition protection obligations to the students.
- 4.20 Ozford will within 7 days after the end of its obligation period, give a notice to the DOE Secretary and the TPS Director of the outcome of the discharge of its obligations. This notice will comply with the requirements of Section 46F.
- 4.21 If Ozford does not meet its obligations, affected students may be assisted by the TPS Director.

## Procedures

### 5 Deferring a term/semester

- 5.1 Ozford 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, on the grounds of:
- Compassionate or compelling circumstances (where the student is unable to attend classes;
  - Lack of availability of a unit
  - Delay in obtaining a student visa.
  - Misbehavior by the student
- Application with no supporting evidence attached will not be considered.
- 5.2 Students who wish to defer commencement of their studies or suspend their studies must complete a "Course Deferral Application" form. Application for Deferral, MUST be submitted (including all supporting documents) at least 10 working days prior to the Deferral, Suspension and Cancellation date for the application to be processed. Any application received later than this date will not be processed.

- 5.3 The Student Services Coordinator will make an appointment with the student to discuss their application.
- 5.4 The Student Services Coordinator will discuss the application with the Head of Ozford's Department (HOD) to avoid/minimise disruption to the student's study program.
- 5.5 If the application meets the requirements of compassionate or compelling circumstances with evidence, the request will be approved, and the student notified in writing. In the letter, the student will be advised to contact the Department of Immigration and Border Protection (DIBP) to seek advice on how this action may affect their visa status.
- 5.6 Students are considered as enrolled until their deferral application is processed and a decision is finalized. Once the deferral is approved, the student will receive a revised Confirmation of Enrolment (CoE) letter and have a new enrolment agreement written to reflect the new commencement date.

## **6. Academic misconduct**

- 6.1 Students will be formally informed by the teachers of the unit in which the academic misconduct has occurred that their behavior or activities constitute academic misconduct. Refer to the Plagiarism Policy and Procedures for further details.
- 6.2 The behavior of students who miss three consecutive scheduled intervention meetings is deemed as academic misconduct.
- 6.3 The teacher will make an appointment for the student to see the Head of Department (HOD), who will then interview the student, consult with the teaching staff. The HOD may then impose a penalty, which may include suspension or cancellation of the student's enrolment.
- 6.4 The student will be notified verbally and in writing of the reasons for application of the penalty and the avenues of appeal under the Complaints and Appeals Policy. In the letter the student will be advised to contact DIBP to seek advice on how this action may affect their visa status.

## **7. Unacceptable conduct (misbehavior)**

- 7.1 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.
- 7.2 Activities classified as general misconduct are described in the Student Code of Conduct in the Student Handbook.
- 7.3 If a teacher or staff member believes that any misbehavior or misconduct by a student is of concern then the teacher or staff member will complete and Incident Report form and give it to the HOD, who will then interview the student and exercise an option to impose an appropriate penalty, e.g. detention, or undertake any other appropriate course of action to remedy the behavior.

- 7.4 For more serious offences, the HOD will consult with teaching and welfare staff and may then impose a penalty, which may include suspension or cancellation of enrolment of the student (with the approval of the Academic Director).
- 7.5 The student will be notified in writing of the reasons for application of the penalty and the avenues for appeal under the Complaints and Appeals Policy. In the Letter of Intention to Report to the relevant Commonwealth Department via PRISMS for Unacceptable Conduct, students will be advised to contact DIBP to seek advice about how this action may affect their visa status.

## 8. Cancellation and Withdrawal Process

- 8.1 Students are expected to inform Ozford in writing if students wish to terminate their enrolment at Ozford by completing a Student Withdrawal/Cancellation of Enrolment form.
- 8.2 Student enrolment will be processed within 5 days of receiving the form. The student's enrolment will be **cancelled** during the process.
- 8.3 OZFORD must notify, in writing, the DOE and the TPS Director of the default within 14 days of the cancellation.
- 8.4 Students who fail to make tuition fee payment by the due dates will received reminder telephone calls and a letter from the Accounts office. Consequences of non-payment, including enrolment cancellation will be explained to students.
- 8.5 If a student is absent from college for a period of two weeks for any reason, and/or after failing to return from a deferment, suspension or holiday period, Student Services will be notified. Student Services will then attempt to contact the student and/or his/her agent and/or guardian (if applicable) to gather information about the student's absence.
- 8.6 If contact has been made and a satisfactory reason for the absence is presented with an expected return date, then no further action will be taken by Student Services. If no contact has been possible over a period of two weeks since the student's last attendance was reported to Student Services, then the student and his/her agent and/guardian (if applicable) will be informed by e-mail, informing the student that they will be reported through PRISMS as an Active/Inactive Withdrawal for Cessation of Studies.
- 8.7 If a student fails to enroll and/or commence their course within 5 working days (one week) of the scheduled course commencement date without any notification to the college, Ozford deems it as an Inactive Withdrawal from the course by the student. Ozford will then report to DIBP via PRISMS for non-commencement of their course.
- 8.8 The Inactive Withdrawal does not apply to those students who have been granted deferment or suspension of their enrolment for that study period.

## 9. Procedural Fairness

Procedural fairness will apply in all cases:

- 9.1 Students must be treated fairly, with dignity and with due regard to their privacy.
- 9.2 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.
- 9.3 Past misconduct is not evidence that a student has behaved in the same manner again.
- 9.4 Each case is dealt with on its own merits and according to its own circumstances with the provision that the first instance of misconduct will be penalised more leniently than subsequent instances of misconduct.

## 10. Penalties

- 10.1 Penalties imposed will take into account the nature and the extent of the misconduct.
- 10.2 Penalties imposed will take into account the student's stage in the program.
- 10.3 Penalties imposed will take into account the conventions of the field of study.
- 10.4 A student's second offence is penalised more severely than their first offence and may result in exclusion from Ozford.
- 10.5 The following penalties may be imposed: a warning, a reduction in grades, receiving zero for an assessment event, failing the unit, exclusion from Ozford.
- 10.6 The Head of the Department may impose the penalty of permanent exclusion from Ozford in the case of physical or verbal abuse of students or staff of Ozford, repeated or severe misconduct, or in the case of criminal acts.

## 11. Notification of student and appeal grounds

- 11.1 If an overseas student or intending overseas student defaults, Ozford will notify in writing, the DOE Secretary and the TPS Director of the default within 14 days using PRISMS of the default occurring including:
  - The course starts on the Agreed Starting Day, but the student does not start the course on that day (and has not previously validly withdrawn)
  - The student withdraws from the course (either before or after the agreed starting day); or
  - Ozford refuses to provide, or continue providing, the course to the student because of one or more of the following events:
    - the student failed to pay an amount he or she was liable to pay to Ozford, directly or indirectly, in order to undertake the course;
    - the student breached a condition of his or her student visa; or
    - misbehavior by the student.

Ozford Business College Pty. Ltd. is trading as Ozford College of Business (CRICOS No. 02573B, RTO No. 21442, ABN 82106 243 378); Ozford English Language Centre Pty. Ltd. is trading as Ozford English Language Centre (CRICOS No. 02501G, ABN 35 100 454 475); Ozford College Pty. Ltd is trading as Ozford College (CRICOS No. 02427A, Registered School No. 2016, ABN 41 102 265 225).

©OZFORD Last update and implemented: January 2017. To be reviewed: January 2018.

- 11.2 Students will be notified in writing of any suspension or cancellation of enrolment as a consequence of misbehavior. Students will be advised to contact DIBP to seek advice on how this action may affect their visa status.
- 11.3 If the student chooses to access the appeals process, Ozford will maintain the student's enrolment until the appeals process is completed (and has supported Ozford's intention to suspend or cancel the student's enrolment). To 'maintain the student's enrolment' means that Ozford does not notify the Secretary of the relevant Commonwealth Department via PRISNS of any change to the student's enrolment status.
- 11.4 Appeals must be lodged in writing with the Student Services Coordinator within 25 working days inclusive of 5 working days for delivery and postage of the date of the student being notified of the consequence.
- 11.5 Ozford will notify the Secretary of the DOE via PRISMS as required under Section 19 of the ESOS Act where the student's enrolment is deferred, suspended or cancelled. Cancellation of a student's enrolment must not be reported until all levels of appeal have been used.

## **12. Recording deferment, suspension and/or cancelation of student enrolment**

- 12.1 All documents relating to these matters must be kept on student files. This includes, but is not limited to, application forms, notes of meetings with students and other parties, any evidence supplied by the student in support of their claim, reports/notes from teachers, letters to students and minutes of appeal hearings.