



## Deferring, suspending or cancelling a student's enrolment - Policy & Procedures

<b>Approving authority</b>	Academic Board
<b>Approval date</b>	19 May 2014
<b>Purpose</b>	This policy outlines the obligations on the Institute to refuse enrolment, defer, suspend or cancel enrolment under specified conditions.
<b>Responsibility for implementation</b>	Head of School (HE)
<b>Next scheduled review</b>	May 2018
<b>Document Location</b>	R:\OIHE\Policies\Deferring, suspending or cancelling a student's enrolment - Policy & Procedures.docx
<b>Associated documents</b>	Academic Progress Policy Completion within Expected Duration of Study Policy Student Grievances & Appeals Policy Refund Policy Student Services & Support

### 1. Policy

Oxford Institute of Higher Education (hereafter referred to as “the Institute”) acknowledges that students are able to initiate deferral, suspension or cancellation of their studies in certain limited circumstances as described in the policy. Students may also have their enrolment suspended or cancelled by the Institute due to misconduct or academic performance. Matters relating to academic performance are addressed in the *Academic Progress Policy* and the related appeals policies.

The policy applies to both **domestic** and **international students** but is based on the requirements that must be met with respect to international students. External notifications and references to Confirmation of Enrolment apply to international students only, except where indicated to the contrary.

For international students, this policy and procedures supports ‘Standard 13 – Deferring, suspending or cancelling the student’s enrolment’ of the ‘National Code of Practice for Registration Authorities & Providers of Education & Training to Overseas Students 2007’ which states:

*‘Registered providers 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.’*

Students have the right to appeal a decision by the Institute to defer, suspend or cancel their studies and for international students the Institute will not notify the Department of Education/DIBP of a change to the enrolment status until the internal complaints and appeals process is completed as set out in the *Academic Appeals Policy* and the *Student Academic and Administrative Grievances Policy*.

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## 2. Procedures

### 2.1 Student Initiated Deferral, Suspension or Cancellation of Enrolment

#### 2.1.1 Student Deferral

- A student wishing to defer an enrolment must do so prior to the commencement of the course. Students must complete an 'Application to defer, suspend or cancel enrolment' and submit to the Student Administrations officer. Reason for deferring enrolment could include inability to begin studying on the course commencement date due to a delay in receiving student visa.
- The student will be advised that they should contact DIBP, where relevant for advice on how any deferral will affect their visa
- All application for deferral documentation will be kept on the students file and Department of Education & Training / DIBP shall be notified via PRISMS, where of the decision to defer the enrolment as a result of the student's request.
- Where necessary a new CoE will be raised.

#### 2.1.2 Student Suspension (International Students)

- Once a student has started their course at the Institute the student is only able to temporarily suspend their enrolment on the grounds of compassionate or compelling circumstances. These circumstances could include but are not limited to:
  - serious illness or injury where a medical certificate states that the student is unable to attend class
  - bereavement of close family members such as parents or grandparents (documented evidence must be provided).
  - serious illness, accident or family incident which requires emergency travel which has impacted the student to studies;
  - the inability to begin study on the course commencement date stated on the CoE due to delay in receiving a student visa if relevant;
  - major political upheaval or natural disaster in the home country requiring their immediate travel if relevant;
  - a traumatic experience which could include but is not limited to:
    - involvement in or witnessing of an accident or
    - a crime committed against the student or
    - the student being a witness to a crime and this has impacted on the student.
- The Head of Student Services & Administration will use his/her professional judgment and to assess each case on its individual merits. When determining whether compassionate or compelling circumstances exist, the Institute will consider documentary evidence provided to support the claim, and will keep copies of these documents in the student's file.
- Students who wish to suspend their studies must first speak to the Head of Student Services & Administration to gain an application form and to ensure they understand the reasons that the suspension may be granted or refused. The application requires approval by the Head of School (HE).
- Where a suspension of enrolment is granted, the Institute will suspend an enrolment for an agreed period of time - to a maximum of 12 months.

- International students are informed that it is DIBP's policy 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). The Institute will advise all students to contact DIBP in relation to whether they may remain in Australia during a period of suspension of enrolment.
- If the requested suspension is longer than 12 months then the student will be need to withdraw from the course and reapply when they are ready to return.
- If the requested period of suspension does not affect the end date of the course, the student's current CoE will not cancelled.
- If the period of suspension does affect the end date of the course then a decision will be made as to whether to cancel the current CoE and issue a new one for an agreed return date or to cancel the current CoE and ask the student to reapply for a CoE when they are ready to return.
- If the return date is not confidently known at the time of request then the current CoE is cancelled and the student asked to reapply for a CoE when they are ready to return.
- Students are to be informed in writing of the outcome of their application for suspension and if relevant, informed that it may affect their student visa and they should contact DIBP for advice.
- All application documentation for the suspension will be kept on the students file and if relevant the Department of Education/DIBP shall be notified via PRISMS of the decision to suspend the enrolment as a result of the student's request.
- Students who are dissatisfied with the outcome of their request for suspension my appeal the decision using the Institute's complaints and appeals processes as per the *Student Academic and Administrative Grievances Policy* and *Student Academic and Administrative External Appeals Policy*.
- If having been granted a suspension, the student decides to return to studies earlier than the date initially approved by the Institute, the Institute will consider how the student's early return would impact upon the student's studies and, if an earlier return is accepted the existing CoE will be cancelled and a new one generated with the earlier return date.
- If a female student applies for suspension of studies on the basis of pregnancy the Institute will follow normal processes for approving a suspension request as listed above. However as a general rule the suspension will commence six weeks prior to the expected birth (unless otherwise supported by medical evidence) with the return date of the student being calculated as being at the beginning of the next teaching period that is at least 8 weeks after the birth. Any future suspensions will need to be supported by medical certificates indicating that the student is unfit to return to study.

### 2.1.3 *Student Suspension (Domestic Students)*

- Domestic students who after commencing their course wish to suspend their enrolment for any reason should seek the approval of the Head of School.

### 2.1.4 *Student Cancellation*

- Students wishing to cancel their enrolment must complete an 'Application to defer, suspend or cancel enrolment' and submit to the Administration officer. If relevant, the student will be advised that they should contact DIBP for advice on how this will affect their visa.
- International students wishing to cancel their enrolment prior to completing 6 months of study in their principal course must provide a letter of offer from an alternative provider. This is required under Standard 7 of the National Code and further information can be gained from the *Transfer between Registered Providers Policy and Procedures*.

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- All application documentation for the cancellation will be kept on the students file and if relevant, the Department of Education/DIBP shall be notified via PRISMS of the decision to cancel the enrolment as a result of the student's request.

## ***2.2 Provider Initiated Deferral, Suspension or Cancellation of Enrolment***

### *2.2.1 Provider Suspension*

- The Institute has the ability to suspend a student's enrolment on the grounds of misconduct. This misconduct may include but is not limited to acts of discrimination, sexual harassment, and vilification or bullying as well as acts of cheating or plagiarism and non-compliance with Institute policies, procedures and contractual agreements.
- Such acts of misconduct will be classified into one of two categories, Academic Misconduct and General Misconduct.

#### *2.2.1.1 Academic Misconduct*

- For the policy on academic misconduct refer to the *Academic Misconduct and Plagiarism Policy*.

#### *2.2.1.2 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 (e.g. non-payment of fees); misuses, damages or steals Institute's property or the property of others; alters/defaces the Institute documents or records; prejudices the good name of the Institute, or otherwise acts in an improper manner.
- The following examples indicate the kinds of misconduct which constitute student misconduct. They are for illustrative purposes and are not intended to be exhaustive. Student misconduct occurs when a student:
  - contravenes any rules or acts;
  - prejudices the good name or reputation of the Institute;
  - prejudices the good order and governance of the Institute or interferes with the freedom of other people to pursue their studies, carry out their functions or participate in the life of the Institute;
  - fails to comply with conditions agreed in the contract;
  - fails to reconcile tuition fees (non-payment of fees)
  - wilfully disobeys or disregards any lawful order or direction from Institute personnel;
  - refuses to identify him or herself when lawfully asked to do so by an officer of the Institute;
  - fails to comply with any penalty imposed for breach of discipline;
  - misbehaves in a class, meeting or other activity under the control or supervision of the Institute, or on Institute premises or other premises to which the student has access as a student of the Institute;
  - obstructs any member of staff in the performance of their duties;
  - acts dishonestly in relation to admission to the Institute;
  - knowingly makes any false or misleading representation about things that concern the student as a student of the Institute or breaches any of Institute rules;

- alters any documents or records;
  - harasses or intimidates another student, a member of staff, a visitor to the Institute, or any other person while the student is engaged in study or other activity as an Institute student, because of race, ethnic or national origin, sex, marital status, sexual preference, disability, age, political conviction, religious belief or for any other reason;
  - breaches any confidence of the Institute;
  - 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 the Institute premises while acting as an the Institute student, in a manner which is illegal or which is or will be detrimental to the rights or property of others;
  - steals, destroys or damages a facility or property of the Institute or for which the Institute is responsible; or
- Where a student has been identified of committing General Misconduct, the Head of School (HE) shall be informed and will make a decision on the penalty and the severity of the penalty. They may take into account the type of misconduct that has occurred and the level of misbehaviour that occurred when deciding penalties.
  - Where a student has been identified with General Misconduct the Institute shall ensure the following:
    - Students must be treated fairly, with dignity and with due regard to their privacy
    - Students are to be regarded as innocent of the alleged misbehaviour until they have either admitted to it or been found by proper inquiry by the Head of School (HE) to have so behaved.
    - Past misbehaviour is not evidence that a student has behaved in the same manner again.
    - Each case is dealt with on its own merits and according to its own circumstances with the provision that the first instance of misbehaviour will be penalised more leniently than subsequent instances of misbehaviour.
  - Students are able to access the Institute's complaints and appeals procedures as per the *Student Academic and Administrative Grievances Policy* and *Student Academic and Administrative External Appeals Policy* if they feel that the decision is unfair or they have other grounds to appeal the decision.
  - The penalties the Head of School (HE) can impose are:
    - A charge for any costs that the general misconduct may have caused.
    - Temporary exclusion from the Institute in the form of suspending enrolment for a period of time.
    - Not extending the students period of enrolment if the student has not completed all units by the specified end date of the CoE.
  - DIBP's policy is that if an international student's enrolment is suspended for a period of 28 days or longer, the student must return home (unless special circumstances exist). If relevant, all questions about whether students may remain in Australia during a period of suspension of enrolment should be referred to DIBP.
  - Where the severity of general misconduct is severe, the Head of School (HE) may decide to cancel the enrolment.

### 2.2.2 *Provider Cancellation*

- In some cases where the student's misconduct is severe, the Institute has the right to cancel the enrolment. Most notably but not limited to; payment of outstanding fees & academic course progress requirements.
- Where the Head of School (HE) has decided the misconduct is severe enough for cancellation the following must occur:
  - The student must be informed in person (where possible), and in writing of the decision of the Institute to cancel the student's enrolment.
  - They must be informed of the fact that they have the right to appeal the decision by accessing the relevant procedures and completing this appeal within 20 working days of the notification.
  - International students must also be informed that the Institute is obliged to inform Department of Education & Training / DIBP via PRISMS after the 20 working days period and they will be at risk of having their Visa cancelled.
- An international student who ceases attending a course or does not return from leave for the commencement of a new trimester, and is not contactable by the Institute, has "inactively" advised the Institute of his/her failure to continue studying. Under Section 19(1) of the ESOS Act, Institute must notify Department of Education & Training via PRISMS of termination of an accepted student's studies within 14 days of the event occurring. This process does not require the Institute to give the student access to the appeals process.

### 2.3 ***Recording and reporting deferrals, suspension or cancellation of enrolments***

- All applications of deferment and outcomes are to be kept on the students file.
- All reports of misconduct, decisions and actions taken in relation to misbehaviour, and other related documentation must be kept on file.
- Any decisions to initiate deferral, suspension or cancellation of an enrolment must be reported to Department of Education & Training / DIBP via PRISMS, if relevant.
- Students are to be kept informed of any decisions or outcomes that relate to a deferment, suspension, or cancellation of enrolments.
- All students are to be given the opportunity to access the Institute's complaints and appeals procedures as per the *Student Academic and Administrative Grievances Policy* and *Student Academic and Administrative External Appeals Policy* before reporting any provider initiated suspensions or cancellations of enrolments via PRISMS occurs. The students have 10 working days to lodge an appeal after the completion of the resolution phase of the internal appeal process as per the *Student Academic and Administrative Grievances Policy* (except where they are cancelled due to cessation of studies).
- Where a student decides to access this procedure, the Institute must wait until the process has finished before going ahead with the reporting of the student's enrolment changes via PRISMS.