

Deferment, Suspension or Cancellation of a Student During Enrolment Policy and Procedure

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Responsible Officer	Director of Studies		
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References and Legislation	Education Services for Overseas Students Act 2000 (Cth); The National Code of Practice for Providers of Education and Training to Overseas Students 2018 (The National Code) The Privacy Act 1988 (Cth)		
Related Documents	Overseas Student Visa Requirement Monitoring Student Course Progress and Course Duration Policy and Procedures, Attendance Policy and Procedure Student Code of Conduct EL SIS Complaints and Appeals Policies and Procedures		
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4.0	Reviewed and updated 5/10/2020	Principal Executive Officer 6/10/2020	6/10/2020
4.1	Reviewed and updated to ensure alignment with the National Code requirements	Principal Executive Officer 11/05/2020	14/05/2021

1. Purpose

The purpose of this Policy and Procedure is to assist English Language School in Sydney (EL SIS) staff with legislative requirements relating to assessing, approving/disallowing, and recording deferment, Leave of Absence, suspension and/or cancellation of study during a student's enrolment.

2. Scope

This Policy applies to students enrolled in and studying at EL SIS. This Policy articulates the grounds for and the appropriate intervention strategies and procedures relating to assessing, approving/disallowing, recording deferment, leave of absence, suspension and/or cancellation of study as they apply to international students during their enrolment.

3. Policy

Student Enrolment Cancellation

3.1 Students may have their enrolments cancelled and be reported to the Department of Home Affairs via PRISMS for:

- Non-commencement of studies.
- Failure to pay course fees and charges.
- Unsatisfactory academic progress (breach of visa conditions).
- Unsatisfactory attendance (breach of visa conditions).
- Early completion of a course.
- Approved Leave of Absence for which there is no established date for the student's return to studies

- High level (serious) breaches of the ELSIS Student Code of Conduct – academic and/or general conduct
- Behaviour deemed to be a serious threat to the health and safety of themselves and others (staff, teachers and/or students) in ELSIS.

3.2 ELSIS may temporarily suspend a student’s enrolment for misbehaviour relating to significant breaches of the Student Code of Conduct covering both academic behaviour and general behaviour.

4. Student Applications

4.1 Students may apply for a deferment of commencement of their studies based on compassionate and compelling circumstances preventing their commencement on the scheduled date.

4.2 Students may apply for a temporary suspension of their studies based on compassionate and compelling circumstances preventing their attendance at normal classes for a significant period.

5. Leave of Absence based on Compassionate and Compelling Circumstances

5.1 As it relates to The National Code 2018, ELSIS defines Compassionate and Compelling Circumstances as circumstances that are generally beyond the control of the student and which have an adverse impact on the student’s capacity and/or ability to commence their course on the scheduled start date, but within two weeks of that date or attend scheduled classes for a significant period of time during the enrolment period.

5.2 Such circumstances include, but are not limited to:

- Inability to begin studying at the scheduled date due to the late issue of a student’s visa and consequent delay in travel to Australia.
- Serious illness or injury, where a verified medical certificate states that the student could not attend on the commencement date and/or for a significant time through the course.
- Bereavement of close family members such as parents, siblings, or grandparents (where possible, a death certificate should be provided).
- The student recently gave birth or a student’s partner recently giving birth, thus preventing commencement on the published start date or attendance for some time through the course (with supporting documentation).
- Major political upheaval or natural disaster in the home country preventing their departure for Australia or requiring their emergency travel to their home country.
- A traumatic experience which could include but is not limited to:
 - witnessing or involvement in an accident, and
 - witnessing or being the victim of a crime.

This experience has impacted the student’s ability to commence classes on the start date and/or attend scheduled classes (Police or psychologists’ reports must support these cases).

- When ELSIS is unable to offer a course unit/s.

6. Evidence

6.1 All applications for special leave must be supported by documentary evidence, which will vary with regard to the specific circumstances but could include:

- Relevant Department of Home Affairs (DHA) visa documents
- Relevant travel documents

- Relevant media reports relating to a natural disaster impacting a student's area of residence.
- Medical certificate
- A relevant Death Certificate
- A Marriage Certificate
- A police incident report
- A social worker's report
- A psychologist's report; and or appropriate medical evidence

6.1.2 ELSIS may, in reasonable circumstances, seek further information from the medical practitioners or other professionals who issued a certificate provided in support of an application.

6.1.3 Certificates not written in English must be translated into English by approved NAATI translators.

7.0 Leave of Absence Application Process, Approval and Duration

7.1 Students, when making an application for Leave of Absence, are advised to either:

- check the Department of Home Affairs (DHA) website.
- telephone the Helpline 131 881.
- visit the local DHA office for advice on how the potential change to their enrolment status may affect their visa.

7.2 Applications for Leave of Absence based on Compassionate and Compelling Circumstances must relate to an inability to attend scheduled classes for a significant period of time during the enrolment period.

7.3 Once Leave of Absence is approved by ELSIS:

- ELSIS must notify the Department of Education, Skills and Employment and DHA that the student's study has been suspended for a significant period.
- If that period is over 28 days, DHA will decide whether or not the student can remain in Australia or must return home.

7.4 The Department of Home Affairs (DHA):

- Requires students whose enrolment is suspended for a period of 28 days or longer for compassionate Leave of Absence to return to their home country unless special circumstances exist (for example, the student is medically unfit to travel).
- May decide to cancel the student visa where, for example, the student fails to comply with the terms of the Leave of Absence.
- Will cancel the visa if the Leave of Absence or a Deferral of Enrolment is for more than 6 months, for any reason.

7.5 Where there are significant but ongoing and irregular absences caused by a single verified compassionate and compelling circumstance, that student will be granted Leave of Absence for the aggregated absences.

- For example, a pregnant student experiencing severe recurring but irregular medical problems requiring bed rest may be granted Leave of Absence, based on her compassionate and compelling circumstances, for a significant loss of class time.

- 7.6 Where Leave of Absence is approved for a significant block of class-time, that absence will be administratively processed in accordance with:
- The procedures relating to deferment, suspension, or cancellation of study during enrolment.
 - Where applicable, the policies and procedures relating to National Code Standards 9 and 10 relating to course completion and monitoring of course progress.
- 7.7 For all approved Leave of Absence, the periods of absence will be excluded from the student's attendance rate calculations. The class hours covered by the Leave of Absence will be deducted from the expected class hours for the study period.

8. Leave of Absence and Course Completion

- 8.1 Course completion is possible in cases where a student's approved Leave of Absence based on compassionate or compelling circumstances is for a period constituting up to a maximum of four study weeks, and the student has made satisfactory academic progress up to the date of the Leave of Absence. The student should also be able to complete his/her course within the expected duration of that student's enrolment with no extension in their course duration and COE.

8.1.1 Course completion is also possible when a student's approved Leave of Absence based on compassionate or compelling circumstances is for a period constituting more than four study weeks. That student's enrolment will be suspended with an extension in the course duration and COE

- 8.2 The period of the temporary suspension and the associated date for the expected course duration in these cases will depend on:
- The student's academic progress to the date of the leave of absence.
 - The length of the course in which the student is enrolled.
 - The structured sequence of units in the course enrolment dates and schedules.

8.3 When applications for leave on the grounds of compassionate and compelling circumstances are assessed, copies of supporting documents will be kept, together with a record of the decision and the basis for the decision, in the student's file, and recorded in RTO Manager and PRISMS (Provider Registration and International Student Management System).

9. Student Misbehaviour

9.1 Students are expected at all times to behave in an appropriate and considerate manner, and these requirements are clearly stated in the ELSIS Student Code of Conduct.

9.2 Depending on the severity of any student misbehaviour incident, the case will be thoroughly investigated following an initial report of and/or complaint about the incident.

9.2.1 All such complaints will be thoroughly investigated in accordance with ELSIS's Complaints and Appeals Policies and Procedures and, if warranted, in accordance with ELSIS's Critical Incident Policies.

9.3 In the event of no one making a formal report of or complaint about an occurrence, the ELSIS General Manager and Director of Studies will initiate a thorough investigation if there are reasonable grounds for assuming serious misbehaviour took place.

9.3.1 Notwithstanding the previous clauses, Police will be notified in the event of suspected illegal behaviour by a student.

- 9.4 Should a student be found to have committed a serious breach of the Student Code of Conduct; the College may decide to either suspend or cancel that student's enrolment.

10. Procedures

10.1 Deferment of Commencement of Studies

- 10.1.1 Students who cannot commence their studies on the scheduled date can apply (directly or through their Agents) before the Census Date for the Deferment of the Commencement Date.

The sole grounds for assessing and determining outcomes for such application are whether compassionate and compelling circumstances prevented their commencement on the scheduled date.

- 10.1.2 Applications for the Deferment of Commencement of Studies will be recorded and assessed on their own merits and based on the evidence provided. The Director of Studies will determine the outcome within 10 working days of all necessary documentation being provided.

- 10.1.3 Student Services Officer will record the outcome and supporting evidence in student's RTO documents.

- 10.1.4 Student Services will notify the student of the decision directly or through their Agent. Students will also be notified that deferring enrolment may affect the student visa.

10.2 Approved applications.

For approved applications:

- A new date for the student's commencement of studies will be determined.
- As required, a new Letter of Offer and Confirmation of Enrolment will be issued by Admissions.

10.3 Documentation

Required entries in RTO Manager and PRISMS are to be made by Admissions. The Document Management Officer files all documents relating to the application, its determination, and associated letters.

10.4 Suspension of Studies - Compassionate and Compelling Circumstances

- 10.4.1 Students who require special leave from their scheduled studies can apply for temporary Suspension of Studies directly or through their Agents. The only grounds for assessing and determining outcomes for such applications are whether compassionate and compelling circumstances justify a temporary suspension of studies (Leave of Absence).

- 10.4.2 Applications for Leave of Absence from scheduled studies will be recorded and assessed on their own merits and based on the evidence provided to the Student Services Officer. The Director of Studies will determine whether the Application of Leave is approved or not, and the application will be processed within 10 working days of all necessary documents being approved.

- 10.4.3 Upon application approval:

- A new date for the student's commencement of studies will be determined.
- As required, a new Letter of Offer and COE will be issued for the course (and any subsequent COEs) by Admissions.

- Students (directly or through their Agent) will be notified of the decision and informed that deferring enrolment may affect the student visa by Student Services.
- Student Services will make necessary entries in RTO Manager and PRISMS and Admissions, respectively.
- The Student Services Officer will file all documents relating to the application, determination, and associated letters.

10.4.4 Periods of Suspension of enrolment on the grounds of compassionate and compelling circumstances will not be included in calculations of students' attendance.

10.5 Suspension of Studies - Student Misbehaviour

10.5.1 Reported incidents of student misbehaviour will be investigated at ELSIS; after consideration and consultation, the student's enrolment may be temporarily suspended if the student has broken the ELSIS Student Code of Conduct.

The DOS and decisions will investigate such incidents will be made after consultation with ECA Human Resources. Upon assessment, the action may involve:

- reprimand and counselling
- activating an intervention strategy by placing the student on a Student Learning Contract
- temporary suspension
- reporting incidents to the Police.

10.5.2 All reported incidents of student misbehaviour must:

- Be determined on a case by case basis based on the evidence.
- Make provision for students to be invited to make oral and/or written representations
- Make provision for students to be informed they are be entitled to have an observer at any investigative interviews.
- Be determined within ten working days.

10.5.3 In cases where the student is deemed to be a threat to themselves and/or others, ELSIS will process automatic suspension.

10.5.4 In all other cases, a suspension of enrolment will not take effect until any internal and external appeal processes are resolved. ELSIS will then act following the outcome of such Appeal processes. Where necessary, Student Services will direct admissions to create a new COE.

10.5.5 Students will be notified in writing, via a letter, of the outcome of any investigation into their reported misbehaviour and any actions to be taken. The letter will:

- inform them that any temporary suspension of enrolment may affect their student visa
- advise them to contact DHA for advice
- provide the student with information about their right to submit an internal appeal within 20 working days of their receipt of the letter
- inform them that their enrolment will not be acted on until the completion of any appeals process.

10.6. Internal Appeal

If the student submits an internal appeal, it will be investigated and resolved in accordance with ELSIS's Complaints and Appeals Policies and Procedures.

If the student submits an internal appeal that is rejected, the student will be sent a letter to this effect. This letter will also inform the student of their right to enter the external Appeals process with the Overseas Student Ombudsman. Their enrolment will not be suspended or cancelled until the resolution of any appeal is submitted.

10.7. Suspension

Depending on the nature and severity of the misbehaviour, the student may or may not be excluded from classes for the duration of any internal and external appeals processes.

- If a student's enrolment is temporarily suspended, ELSIS will notify the student of the action and inform them that a temporary suspension may affect their student visa.
- If a student's enrolment is suspended for a period longer than 28 days, they may be required by the Department of Home Affairs to return to their home country, depending on the existence or otherwise of special circumstances.

10.8. Documentation

Student Services will make necessary entries in RTO Manager and PRISMS and Admissions, respectively. The DoS will file all documents relating to the investigation, its determination, and associated letters in a secure folder.

10.9. Cancellation of Enrolment

10.9.1 ELSIS may cancel the enrolment of students for the following reasons:

- Non-commencement of studies.
- Failure to pay course fees and charges.
- Unsatisfactory academic progress (breach of visa conditions).
- Unsatisfactory attendance (breach of visa conditions).
- Early completion of a course.
- Approved Leave of Absence for which there is no established date for the student's return to studies.
- High level, serious breaches of the ELSIS Student Code of Conduct – academic and/or general conduct
- Behaviour deemed to be a serious threat to the health and safety of themselves and/or others (staff, teachers and/or students) in ELSIS.

10.9.2. When ELSIS intends to cancel the enrolment of a student for:

- The non-payment of fees and charges.
- Unsatisfactory academic progress (breach of visa conditions).
- Unsatisfactory attendance (breach of visa conditions).

Students will be:

- Notified in writing of this intention.
- They will be informed that they have a right to submit an internal appeal within 20 working days against the intended action, and
- all such appeals will be processed in accordance with ELSIS's Complaints and Appeals Policies and Procedures as per https://www.elsis.edu.au/wp-content/uploads/2021/01/EL SIS-Complaints-and-Appeals-Policy-and-Procedures_1.pdf

11. Internal and External Appeals Processes

Suppose a student enters the internal and external appeals processes. In that case, the intended cancellation of enrolment will not be implemented unless and until either the

appeals process is resolved in favour of ELSIS or the student withdraws from the appeals process before its final resolution.

If a student's enrolment is cancelled, ELSIS will notify the student of the action and inform them that the cancellation may affect their student visa.

12. Documentation

- Student Services will make necessary entries in RTO Manager and PRISMS and Admissions, respectively.
- The Student Services Officer will file all documents relating to the cancellation of enrolment.