

International Students

Deferment, Suspension or Cancellation of Study Policy

1. Policy

Prior to enrolment, Kennedy Baptist College is committed to providing clear and accurate information to international student visa applicants about the grounds on which an enrolment can be deferred, suspended or cancelled.

2. Purpose

The purpose of this Policy is to ensure compliance with the Department of Home Affairs (DHA) *Student Visa Condition 8202, Standard 8 – Overseas Student Visa Requirements and Standard 9 – Deferring, suspending or cancelling the overseas student's enrolment of the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018)*.

3. Scope

This Policy applies to staff and international students and parents/guardians for the duration of their enrolment at Kennedy Baptist College.

4. Definitions

Compassionate or compelling circumstances are generally those beyond the control of the international student and which have an impact upon the student's course progress or well-being. These could include, but are not limited to:

- Serious illness or injury, where a medical certificate states that the 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 student's studies; or
- 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.

Extenuating circumstances are when the international student's health or wellbeing, or the wellbeing of others, is likely to be at risk. This may include, but is not limited to when the student:

- Refuses to maintain approved accommodation, support and welfare arrangements (for students under the age of 18);
- Is missing;
- Has medical concerns, severe depression or psychological issues which lead the College fears for the student's wellbeing;
- Has engaged or threatened to engage in behaviour that is reasonably believed to endanger the student or others;
- Is at risk of committing a criminal offence; or
- Is the subject of investigation relating to criminal matters.

5. Communication Protocols for Changes to Enrolment Status

The College recognises that there may be times when a student wishes to defer, suspend or cancel their enrolment. If this is the case, students must contact the Registrar. The College will not act on any decision affecting the student's enrolment that is not made by the parents/legal custodians. The parents/legal custodians with whom the College has a formal *Written Agreement* are the primary contact for the College in such matters.

All communication regarding changes to enrolment status will be made directly with students and their parents/legal custodians, in accordance with the latest contact details provided to the College. Parents/legal custodians must therefore keep the College informed of their current contact details, as per the condition of the student visa.

6. Student Initiated Changes in Enrolment

6.1 Student Requested Deferment of Commencement

The College will only grant a deferment of commencement of studies for **compassionate or compelling circumstances**.

If a student is in the process of enrolling, or has already enrolled and is requesting to defer they must contact the Registrar for an *Application for Deferment* to defer their offer from one year to the next, or one Semester to the next or one term to the next. All applications for deferment will be considered within five (5) working days.

The College cannot guarantee appropriate placements and/or subject selections being available for future study periods.

The final decision for assessing and grant a deferment of commencement of studies lies with the Principal. All documentation and a record of the decision will be placed on the student's file.

6.1.1 Deferment granted:

- If a student defers for a term and the deferral is granted, the student will be required to pay the fees for the term prior to the start of term to guarantee their placement, unless advised by the College. If a student chooses not to pay full fees for the previous term, they will be required to lodge a new application for enrolment prior to the requested start term.
- Deferment will be recorded on PRISMS¹ within 14 days of being granted, which may affect the student's *Confirmation of Enrolment (CoE)* status.

6.1.2 Deferment not granted:

- If a student is **not** permitted to defer, they must lodge a new application for enrolment at the time appropriate for their intended commencement of studies
- Where a student's request to defer their commencement of studies is refused, the student has a right of appeal in accordance with the *Complaints and Appeals Policy*.

6.2 Student Requested Suspension of Studies

Once the student has commenced the course, the College will only grant a suspension of studies for **compassionate and compelling circumstances**. An *Application for Suspension* can be requested from the Registrar.

Where there is a significant issue impacting on a student's attendance or course progress, it is essential that the student or their parent/guardian contact the College as soon as possible to discuss the concern so that appropriate support can be put in place. Where deemed necessary, this may involve temporarily suspending the student's enrolment so that matters can be resolved without having a negative impact on the student's ability to satisfy their visa conditions.

Applications will be assessed on merit by the Principal. Some examples of circumstances that are not considered compassionate and compelling at the College include:

- Requests for early departure or late return from vacation, including inability to secure cheap flights;
- Leaving early or returning late from holidays in order to attend festivals in the student's home country; or
- Returning home to attend family gatherings that occur during term time.

As part of any assessment of a request to defer or temporarily suspend studies, the impact of the request on the student's ability to complete their

¹ Provider Registration and International Student Management System (PRISMS) database

intended course of study in accordance with their *Confirmation of Enrolment (CoE)* and student visa will be considered. Any implications will be communicated to students and their parent/guardian.

All applications for suspension will be considered within five (5) working days.

The final decision for assessing and granting a suspension of studies lies with the Principal. All documentation and a record of the decision will be placed on the student's file.

6.2.1 Suspension of studies request granted:

- Temporary suspensions of studies cannot exceed six (6) months duration (i.e. one Semester).
- Suspensions will be recorded on PRISMS within 14 days of being granted if the student is under the age of 18, and within 31 days if the student is over the age of 18. The period of suspension will not be included in attendance calculations.

If a student with an approved suspension from studies requires an absence of longer than one Semester, they will be required to withdraw and then re-apply for the later entry date. In this situation:

- The *Refund Policy* will apply to the withdrawal; and
- When the student re-applies for a later entry date, they can only be offered a placement if vacancies exist.

6.2.2 Suspension of studies request not granted:

Where a student's request to suspend studies is refused, the student has a right of appeal in accordance with the *Complaints and Appeals Policy*.

6.3 Student Initiated Cancellation of Enrolment

All notifications of withdrawal from a course, or applications for refunds, must be made in writing and submitted to the Registrar. Refer to the *Refund Policy* for more information.

A student will be deemed to have **inactively** notified the College of cancellation of enrolment where:

- The student has not yet finished their course of study with the College; and
- Does not resume studies at the College within 14 days after a holiday break; and
- The student has not previously provided the College with written notification of withdrawal.

Student-initiated cancellation of enrolment, including inactive cancellation of enrolment, as outlined above, is **not** subject to the *Complaints and Appeals Policy*.

A student may transfer to another education provider before completing six (6) months of study at the College by contacting the Registrar for more information. Also refer to the *Student Transfer Request Policy* and the *Refund Policy*.

Students who indicate “returning to their home country” as their reason for withdrawal will not be issued with a *Letter of Release* at the time of cancellation or at any future date.

Students need to be aware that any cancellation of studies may affect their student visa and the College will report student withdrawals to the Department of Education via PRISMS where necessary. This action automatically alerts the Department of Home Affairs (DHA) and students should seek immediate advice regarding their student visa from DHA.

7. College Initiated Changes in Enrolment

7.1 One-day Suspension from Class (Discipline)

The College may suspend a student from class on the grounds of misbehaviour by the student. Suspension will occur as the result of any behaviour identified as resulting in Third and Fourth Inside send-outs and First and Second Outside send-outs as per the College’s *Discipline Policy*.

Where the College intends to suspend a student from class, the Deputy Principal - Pastoral Care will contact parents/guardians for an interview before the student is suspended.

Temporary suspended students must abide by the conditions of their suspension and must adhere to any accommodation, support and welfare arrangements in place, as determined by the Principal. Where the student is provided with homework or other studies for the period of the suspension, the student must continue to meet the academic requirements of the course.

One-day suspensions from class will not be included in attendance calculations for the study period and will not be recorded on PRISMS.

7.2 Suspension of Enrolment

The College will suspend the enrolment of a student under the following conditions:

- Suspend studies for breaching course progress and/or attendance requirements; or
- Suspend studies for failure to pay fees as stated in the *Written Agreement*.

Where the College intends to suspend the enrolment of a student, it will first issue a letter that notifies the student and their parent/guardian of the College's intention to report and 20 working days to access the College's Internal Complaints and Appeals Process. The letter will provide details of the reason(s) for the intended suspension from studies, as well as information about how to access the College's internal appeals process. Further information about the appeals process in the event of a College-initiated suspension of study is outlined in the *Complaints and Appeals Policy*.

For the duration of the Internal Appeals Process, the College will maintain the student's enrolment and the student will attend classes as normal. The Principal will determine if participation in studies will be in class or under a supervised arrangement outside of classes.

If a student decides to access the College's Complaints and Appeals Process because they have been notified of a College-initiated suspension of enrolment under *Standard 9* of the *National Code 2018*, the change in enrolment status will not be reported in PRISMS until the Internal Complaints and Appeals Process is finalised, unless **extenuating circumstances** relating to the welfare of the student apply.

Except for course progress and/or course attendance breaches, the College is not required to wait for the outcome of any External Appeals Process before notifying the DHA of the suspension of the student's enrolment.

Where **extenuating circumstances** are deemed to exist, a student may still access the complaints and appeals process, however the College need **not** await the outcome of this process before changing the student's enrolment status in PRISMS. If the College has issued a *Confirmation of Appropriate Accommodation and Welfare (CAAW)* for such a student, welfare provisions under *Standard 5* of the *National Code 2018* are applicable.

The use of **extenuating circumstances** by the College to suspend a student's enrolment prior to the completion of any complaints and appeals process will be supported by appropriate evidence. The final decision for evaluating **extenuating circumstances** lies with the Principal.

Refer to the *Course Attendance Policy* and the *Course Progress Policy* for *Notice of Intention to Report* and reporting breach of *Visa Condition 8202*, where the College intends to suspend the enrolment of a student for breaching course progress and/or course attendance requirements.

Suspension for breaching course progress and/or course attendance requirements or suspension for failure to pay fees will be recorded on PRISMS.

All documentation and a record of the decision will be placed on the student's file.

7.3 Cancellation of Enrolment

The College will cancel the enrolment of a student under the following conditions:

- Any breach of an agreed condition of enrolment as outlined in the student's *Written Agreement*, including failure to disclose a pre-existing condition requiring a high degree of specialised support or care;
- The deferral or suspension was based on fraudulent evidence or documents provided by the student or their parent/guardian;
- Failure to pay course fees;
- Failure to maintain approved accommodation, support and welfare arrangements (*Visa Condition 8532*);
- Breaching course progress and course attendance requirements;
- The student is caught smoking, drinking alcohol or in the possession of or taking illicit drugs; or
- Exclusion on the grounds of misbehaviour by the student as per the *Discipline Policy*.

Exclusion occurs when the student has received their fifth inside send-out, third outside send-out or 25th demerit. Where the College intends to exclude (expel) a student from the College, the Deputy Principal - Pastoral Care will contact parents/guardians for an interview before the student is excluded/expelled.

Excluded students must abide by the conditions of their exclusion from the College and must adhere to any accommodation, support and welfare arrangements in place, as determined by the Principal. Students who have been excluded are required to contact the Department of Home Affairs (DHA).

Where the College intends to cancel the enrolment of a student it will first issue a letter which notifies the student and their parents/guardians of the College's intention to report and 20 working days to access the College's Internal Complaints and Appeals Process. This letter will also provide details of the reason(s) for the intended cancellation, as well as information about how to access the College's Internal Appeals Process. Further information about the appeals process in the event of a College-initiated cancellation is outlined in the *Complaints and Appeals Policy*.

The College is required to report any confirmed breach of course progress and course attendance requirements to the Department of Home Affairs (DHA). Where a student is reported for breach of visa condition, their enrolment at the College will be cancelled and this may impact on the student's visa. Further information can be found in the *Course Attendance Policy* and the *Course Progress Policy*.

For the duration of the Internal Appeals Process, the College will maintain the student's enrolment and the student will attend classes as normal. The Principal will determine if participation in studies will be in class or under a supervised arrangement outside of classes.

If a student decides to access the College's Complaints and Appeals Process because they have been notified of a College-initiated cancellation of enrolment under *Standard 9* of the *National Code 2018*, the change in enrolment status will not be reported in PRISMS until the internal Complaints and Appeals Process is finalised, unless **extenuating circumstances** relating to the welfare of the student apply.

Except for course progress and/or course attendance breaches, the College is not required to wait for the outcome of any External Appeals Process before notifying the DHA of the cancellation of the student's enrolment.

Where **extenuating circumstances** are deemed to exist, a student may still access the Complaints and Appeals Process, however the College need **not** await the outcome of this process before changing the student's enrolment status in PRISMS. If the College has issued a *Confirmation of Appropriate Accommodation and Welfare (CAAW)* for such a student, welfare provisions under *Standard 5* of the *National Code 2018* are applicable.

The use of **extenuating circumstances** by the College to cancel a student's enrolment prior to the completion of any Complaints and Appeals Process will be supported by appropriate evidence. The final decision for evaluating **extenuating circumstances** lies with the Principal.

If a student's enrolment is cancelled, that student may not re-apply to enrol at the College at any time in the future.

8. Impact on Confirmation of Enrolment and Visa Status

Deferment, suspension and cancellation of enrolment can result in three different outcomes for a student's visa as a result of changes to enrolment status.

The College will notify the Department of Education through PRISMS that:

- The College is deferring or suspending a student's enrolment for a period without affecting the end date of the *Confirmation of Enrolment (CoE)*.

In this case there is no change to the *CoE* or the student's enrolment status on PRISMS i.e. the *CoE* status will still be listed as 'studying'. However, the notice of deferral or suspension will be recorded in PRISMS and sent to the Department of Home Affairs (DHA). This information will be kept for future reference.

- The College is deferring or suspending a student's study for a period which will affect the end date of the *CoE*.

In this case, PRISMS will cancel the original *CoE* and immediately offer the College the opportunity to create a new *CoE* with a more appropriate end date. If the College does not know when the student will return, it will wait until the student has notified the College of the intended date of return before creating the new *CoE*.

- The College wishes to permanently cancel (terminate) the student's enrolment. Once this process is complete, the student's CoE status will be listed as 'cancelled'.

Where the College has taken responsibility in accordance with Migration Regulations for approving the accommodation, support and general welfare arrangements for a **student under the age of 18**, and **terminates, cancels** or **suspends** their enrolment, the College will continue to check the suitability of arrangements for that student until:

- The student is accepted by another registered provider and the registered provider takes responsibility for approving the student's accommodation, support and welfare arrangements; or
- The student leaves Australia; or
- The College reports under Standard 5 of the National Code 2018 that it can no longer approve the arrangements for the student; or
- The student turns 18.

Refer to the *Students Under 18 Welfare and Support Policy*.

Students are advised to seek advice from the DHA on the potential impact on their student visa.

Students can visit the DHA website for further information about their visa conditions and obligations: <https://immi.homeaffairs.gov.au/visas/already-have-a-visa/check-visa-details-and-conditions/see-your-visa-conditions?product=500>

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