

Deferring, Suspending or Cancelling the Overseas Student's Enrolment Policy and Procedure

Category	Deferring, suspending or cancelling the overseas student's enrolment
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Policy Base	<ul style="list-style-type: none"> • ESOS Act 2000 • National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code), Standard 9
Related Documents	<ol style="list-style-type: none"> 1. Overseas Student Visa Requirements Policy and Procedure 2. Complaints and Appeals Policy and Procedure 3. Course Variation Request Form 4. Refund Request Form 5. Student Code of Conduct 6. Terms and Conditions of Enrolment 7. Academic Progress Report 8. Statement of Attainment 9. Monitoring Course Progress Policy and Procedure 10. Monitoring Course Attendance Policy and Procedure 11. Enrolment Cancellation Confirmation Letter

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Purpose

These policies and procedures are in place to ensure that ME English (“MEE”) has a documented process for assessing, approving and recording deferment, suspension or cancellation of an overseas student’s enrolment and that it complies with the ESOS Act 2000 and Standard 9 of the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code).

Scope

This document applies to all staff involved in deferring, suspending or cancelling the overseas student’s enrolment at MEE.

Definitions

- **Deferral:** refers to students delaying the commencement of their program to a future intake date.
- **Suspension initiated by the student:** refers to students temporarily placing their studies on hold after they have commenced their course. This action may or may not affect the enrolment period indicated on the Confirmation of Enrolment (CoE).
- **Suspension initiated by the institution:** refers to when MEE decides to place a student's enrolment on hold due to misconduct or a breach of the terms and conditions of enrolment.
- **Cancellation:** refers to MEE permanently terminating the student's enrolment due to misbehaviour or a breach of their study visa conditions.
- **PRISMS** refers to Provider Registration and International Students Management System
- **DHA** refers to the Department of Home Affairs.
- **Compassionate or compelling circumstances** refers to situations beyond the control of overseas students and which have an impact on their course progress or wellbeing.
- **Course Variation** refers to changes to an overseas student's enrolment such as early completion or transferring to another registered provider that may impact on your student visa. Any student course variation must be reported in PRISMS.
- **Student Code of Conduct** refers to MEE's expectations of students in regards to academic and personal behaviour matters.
- **AWOL** refers to a student who is absent from studies without approved leave.

Policy

Students are expected to undertake the course in which they have enrolled in without interruption. However, in some circumstances, students may need to defer or postpone their studies. Students may request a deferment or suspension of their studies during the course in limited circumstances as set out in the National Code, Standard 9. MEE may suspend or cancel a student's enrolment, provided it is consistent with MEE's policies and/or Australian Law. Before suspending or cancelling a student's enrolment, MEE will notify the student of its intention to do so. MEE will inform the student they have 20 working days in which to access the *Complaints and Appeals* process. MEE will not notify the Department of Education and Training via the Provider Registration and International Student Management System (PRISMS) of a change of status of enrolment until the internal *Complaints and Appeals* process has been finalised (if applicable).

MEE will inform students that deferment, suspension or cancellation of enrolment may affect his or her student visa. Student's will be directed to the Department of Home Affairs website or helpline (131 881) for further information.

1. Overview

- a. Deferment or suspension of enrolment can be initiated by the student or by MEE.
- b. MEE will only grant deferment or suspension for compassionate and compelling circumstances.
- c. MEE may initiate a suspension or cancellation of enrolment if a student breaches their student visa conditions, fails to pay the scheduled fees or the student misbehaves or breaches the *Student Code of Conduct* or any other set terms and conditions.
- d. MEE will notify the Department of Education and Training of a change to a student's status of enrolment via PRISMS, if applicable.
- e. Students who wish to defer, suspend or cancel (withdraw) their enrolment must complete and submit a *Course Variation Request Form*.

- f. If the request is granted, MEE will notify the student by email of the outcome and advise them to contact the Department of Home Affairs (DHA) in relation to the potential impact on their student visa.
- g. If a deferral, suspension or cancellation request is rejected, the student will be given 20 working days to appeal the decision as per MEE's *Complaints and Appeals Policy and Procedure*.

2. Deferral or suspension of enrolment initiated by the student

- a. An overseas student's enrolment may be deferred or suspended where compassionate or compelling circumstances can be demonstrated.
- b. Compassionate or compelling circumstances are situations where an overseas student has no control over the situation and they are impacting upon the student's course progress or wellbeing. Such instances include but are not limited to:
 - i. Serious illness or injury of the overseas student and unable to attend classes (requires medical certificate/reports);
 - ii. Death of close family members such as parents or grandparents (requires death certificate where possible);
 - iii. Involvement in, or witnessing of a serious accident;
 - iv. Political and/or natural disaster in the home country and has an impact on the overseas student's study;
 - v. A traumatic experience that impacts upon the student's study (requires psychologist's reports);
 - vi. Where MEE is unable to provide part, or all of the enrolled course;
 - vii. Not able to begin studying on the course start date, due to delay in receiving a student visa;
 - viii. Failure to meet the English entry requirements for the intended course.
- c. Students will be informed that deferment, suspension or cancellation of enrolment may affect their student visa. Student's will be directed to the Department of Home Affairs website or helpline (131 881) for information on how a change of enrolment may impact their student visa.
- d. Where deferment or suspension is granted, this will be reported on PRISMS.
- e. MEE will retain appropriate evidence to support the decision in the Student Management System, on the student's file.

3. Deferral, suspension or cancellation of enrolment initiated by the provider

- a. MEE may defer, suspend or cancel a student's enrolment when a student misbehaves/breaches the Student Code of Conduct/terms and conditions of enrolment, fails to pay the required fees to continue with their studies and/or breaches the student visa requirements including course progress and attendance requirements.
- b. The student will not be given an opportunity to appeal if MEE considers the situation to affect the wellbeing of the student and/or others are likely to be at risk. These situations include but are not limited to a student:
 - i. missing;
 - ii. having a medical concern (physical, emotional and/or mental) believed to endanger the student;
 - iii. at risk of committing a criminal offence;
 - iv. at risk of jeopardising the safety of people at MEE;
 - v. who is subject of investigation relating to criminal matters;
 - vi. where MEE has reason to believe that the student is not a genuine student.

- c. MEE will retain appropriate evidence to support any claims of the circumstances above on the student's file.
- d. Before suspending or cancelling a student's enrolment, MEE will notify the student in writing of its intention to do so. MEE will inform the student they have 20 working days in which to access the *Complaints and Appeals* process. MEE will not notify the Department of Education via PRISMS of a change of status of enrolment until the internal *Complaints and Appeals* process has been finalised (if applicable).
- e. The student's enrolment is maintained until the *Appeals* process is finalised.
- f. Suspended students must abide by the conditions of their suspension from studies, which will be determined by the Director of Studies.
- g. Students will be directed to the Department of Home Affairs website or helpline (131 881) for information on how a change of enrolment may impact their student visa.
- h. Suspensions and cancellations will be recorded on PRISMS.
- i. The period of deferment or suspension of enrolment (as entered in PRISMS) will not be included in attendance calculations.

4. Cancellation of Enrolment Due to Non-Payment

- a. Overseas students are required to have sufficient funds and to make payment for their studies in Australia as part of the student visa requirements. Failure to pay is a breach of a student's visa requirement.
- b. If tuition fees are not paid by its due date, the overseas student's enrolment will be subject to cancellation as per the *Complaints and Appeals Policy and Procedure*.
- c. External appeal is not available in cases of:
 - i. student misbehaviour or breach of Student Code of Conduct;
 - ii. the student has engaged in, or threatened to engage in, behaviour that is reasonably believed to endanger the student or others;
 - iii. MEE has reason to believe the student is not a genuine student;
 - iv. the student is absent without leave from their studies; or
 - v. non-payment of fees.
- d. Before cancelling a student's enrolment, MEE will notify the student of its intention to do so. MEE will inform the student they have 20 working days in which to access the *Complaints and Appeals* process. MEE will not notify the Department of Education and Training via PRISMS of a change of status of enrolment until the internal *Complaints and Appeals* process has been finalised (if applicable).
- e. The student's enrolment is maintained until the *Appeals* process is finalised.
- f. Students will be directed to the Department of Home Affairs website or helpline (131 881) for information on how a change of enrolment may impact their student visa.
- g. If the payment of fees is not made during the appeal period or within the agreed period, the student's enrolment will be cancelled.
- h. MEE is under no obligation to reinstate a student's enrolment if their enrolment has been cancelled. Students may reapply at a later date by following the admissions process.
- i. Inform the student of the date the CoE will be cancelled.
- j. Inform the student that the cancelled CoE will be emailed to the student once the cancellation is processed.
- k. Cancellations will be recorded on PRISMS.
- l. Cancelled CoE along with the *Enrolment Cancellation Confirmation Letter* will be sent to the student when the cancellation is made.

5. Appeal Against Outcome

Student requested deferral and suspension are not subject to MEE’s *Complaints and Appeals Policy and Procedure*. When MEE initiates the deferral, suspension or cancellation of enrolment, the student will be given 20 working days, from the day the notice is given, to make an internal appeal by following MEE’s *Complaints and Appeals Policy and Procedure*.

6. Record keeping

Records of all communication and other relevant information, (i.e. evidence of compelling and compassionate circumstances) will be retained in all cases of deferral, suspension or cancellation of a student’s enrolment initiated by MEE or by the students themselves.

7. Effect on CoE

- a. When an overseas student’s CoE end date changes due to deferral, suspension or cancellation of a student’s enrolment, MEE will inform the student that it may affect his or her student visa and will be directed to the Department of Home Affairs website or helpline (131 881) for information on how a change of enrolment may impact their student visa.
- b. If an overseas student’s enrolment is deferred or suspended, the period of suspension of enrolment (as entered in PRISMS by MEE) will not be included in attendance calculations.
- c. When MEE defers, suspends or cancels an overseas student’s enrolment, MEE will report the changes to the overseas student’s enrolment in PRISMS under section 19 of the ESOS Act.

8. Student Code of Conduct

Refer to MEE’s *Student Code of Conduct*.

Procedures

1. Procedure for Students Applying for Deferral of Study

STEPS	PROCEDURE	RESPONSIBILITY
1	<ul style="list-style-type: none"> • Submit to MEE a <i>Course Variation Request Form</i> indicating the intended start date, together with relevant documents that clearly demonstrate compassionate or compelling circumstances stating why the deferral should be granted. 	Student
2	<p>Application Approved:</p> <ul style="list-style-type: none"> • Assess the request and provide a written answer within 5 working days from receipt of the request. • Grant approval if the deferral request meets the sufficient evidence requirements (as per MEE’s <i>Deferral, Suspension and Cancellation Policy</i>) • Notify the student or agent in writing that the deferral request has been approved. • Access PRISMS to notify the Department of Education and Training and record the details and period of deferral granted. 	Administrator

	<ul style="list-style-type: none"> Students will be directed to the DHA website or helpline (131 881) for information on how a change of enrolment may impact their student visa. <p>Application Refused:</p> <ul style="list-style-type: none"> Assess the request and provide a written answer within 5 working days from receipt of the request. Refuse the deferral request if it does not meet the requirements for compassionate or compelling circumstances (as per MEE's <i>Deferral, Suspension and Cancellation Policy</i>). Notify the student/agent in writing of refusal of the deferral request. Inform the student/agent that if the student does not agree with the decision, they have 20 working days from the date of the decision in which to access MEE's <i>Complaints and Appeals Policy and Procedure</i>. Students will be directed to the DHA website or helpline (131 881) for information on how a change of enrolment may impact their student visa. 	
3	<p>Complete the following:</p> <ol style="list-style-type: none"> Adjust the financial records. Do not include the period of deferment in attendance monitoring calculations. Inform relevant staff and provide details about the approved deferral. Suspend student access to computers, email and other learning resources until studies have resumed. 	
4	<ul style="list-style-type: none"> If the student chooses to appeal the decision, the student's enrolment is maintained until the <i>Appeals</i> process is finalised. If the student chooses to appeal the decision, MEE does not notify DHA of any changes to the student's enrolment status until the final appeal decision is made. 	Administrator
5	<ul style="list-style-type: none"> Retain the <i>Course Variation Request Form</i> and relevant supporting documentation on the student's file. Record details on the student's file in the Student Management System. 	Administrator

2. Procedure for Students Applying for Suspension of Study

STEPS	PROCEDURE	RESPONSIBILITY
1	<ul style="list-style-type: none"> Submit the <i>Course Variation Request Form</i> together with any relevant documents, to notify MEE of the student's decision to suspend studies. 	Student
3	<p>Application Approved:</p> <ul style="list-style-type: none"> Assess the request and provide a written answer within 5 working days from receipt of the request. 	Administrator

	<ul style="list-style-type: none"> Grant approval if the suspension request meets the sufficient evidence requirements (as per MEE's <i>Deferral, Suspension and Cancellation Policy</i>) Notify the student or agent in writing that the suspension request has been approved. Access PRISMS to notify the Department of Home Affairs (DHA) and record the details and period of suspension granted. Students will be directed to the DHA website or helpline (131 881) for information on how a change of enrolment may impact their student visa. <p>Application Refused:</p> <ul style="list-style-type: none"> Assess the request and provide a written answer within 5 working days from receipt of the request. Notify the student or agent in writing that the suspension request does not meet the requirements for compassionate or compelling circumstances (as per MEE's <i>Deferral, Suspension and Cancellation Policy</i>) and has been refused. Inform the student/agent that if the student does not agree with the decision, they have 20 working days from the date of the decision in which to access MEE's <i>Complaints and Appeals Policy and Procedure</i>. Students will be directed to the DHA website or helpline (131 881) for information on how a change of enrolment may impact their student visa. 	
4	<p>Complete the following:</p> <ol style="list-style-type: none"> Adjust the financial records. Do not include the period of suspension in attendance monitoring calculations. Inform relevant staff and provide details about the approved suspension. Suspend student access to computers, email and other learning resources until studies have resumed. 	Administrator and Accounts
5	<ul style="list-style-type: none"> If the student chooses to appeal the decision, the student's enrolment is maintained until the <i>Appeals</i> process is finalised. If the student chooses to appeal the decision, DHA will not be notified of any changes to the student's enrolment status until the final appeal decision is made. 	Administrator
6	<ul style="list-style-type: none"> Retain the <i>Course Variation Request Form</i> and relevant supporting documentation on the student's file. Record details on the student's file in the Student Management System. 	Administrator

3. MEE-Initiated Suspension of Study or Cancellation of Enrolment

STEPS	PROCEDURE	RESPONSIBILITY
1	Decision to suspend or cancel a student's enrolment due to academic or non-academic misconduct, failure to meet overseas student visa requirements such as attendance requirements or non-payment of fees.	CEO
2	Notify the Administrator of the decision.	CEO
	<p>Notify the student in writing:</p> <ol style="list-style-type: none"> of the intention to cancel or suspend his or her enrolment together with the reasons for the decision. that attendance at a meeting by the student is required so the Administrator/Director of Studies can answer any questions or provide further clarification such as the student's enrolment may be cancelled if the student continues to breach the terms and conditions of enrolment as per MEE's <i>Deferral, Suspension and Cancellation Policy</i>. of the intention to notify the Department of Home Affairs (DHA) and the option to appeal the decision. of the 20 working days of appeal period as stated in MEE's <i>Complaints and Appeals Policy and Procedure</i>. that cancellation of the student's CoE may affect his or her student visa. Students will be directed to the DHA website or helpline (131 881) for information on how a change of enrolment may impact their student visa. 	Administrator
	Record and retain a copy of the decision and accompanying/or supporting evidence on the student's file.	Administrator
Appeals		
	<p>Appeal:</p> <ul style="list-style-type: none"> If the student chooses to appeal the decision, the student's enrolment is maintained until the appeals process is finalised. If the student chooses to appeal the decision, MEE will not notify DHA of any changes to the student's enrolment status until the final appeal decision is made (if applicable). Students will be directed to the DHA website or helpline (131 881) for information on how a change of enrolment may impact their student visa. <p>No Appeal:</p> <ul style="list-style-type: none"> If the student chooses not to appeal the decision or has unsuccessfully exhausted the internal appeals policy, the cancellation of enrolment will be processed. The Department of Home Affairs (DHA) will be notified through PRISMS about the change to the student's enrolment status. Students will be directed to the DHA website or helpline (131 881) for information on how a change of enrolment may impact their student visa. <p><i>Notes:</i></p>	Administrator

	<ul style="list-style-type: none"> Exceptions to this rule will be made in cases of <i>compassionate and compelling</i> circumstances as stated in MEE's <i>Deferral, Suspension and Cancellation Policy</i>. <p>MEE is only required to wait for the outcome of an external appeal in the case of a breach of academic progress and/or a breach of the attendance requirements. <i>Refer to the Monitoring Course Progress and Attendance Policies and Procedures.</i></p>	
Unsuccessful Appeals		
	<ul style="list-style-type: none"> Complete the following: <ol style="list-style-type: none"> Adjust the financial records. Do not include the period of suspension in attendance monitoring calculations. Inform relevant staff and provide details about the suspension or cancellation. Suspend student access to computer, email and other learning resources until studies have resumed or are cancelled (if applicable). 	Administrator and Accounts/IT Support Officer
Suspension/Cancellation of Enrolment		
	<ul style="list-style-type: none"> Cancel the student's CoE in PRISMS. Retain all relevant records and documentation on the student's file. 	Administrator

4. Cancellation of Enrolment Notification

STEPS	PROCEDURE	RESPONSIBILITY
1	<ul style="list-style-type: none"> Notify the student in writing that the cancellation has been processed by sending the <i>Enrolment Cancellation Confirmation Letter</i>. Attach the cancelled CoE in the letter. The letter will inform the student to contact the Department of Home Affairs by calling 131 881 for information on how a change of enrolment may impact their student visa. 	Administrator
2	Contacts the Department of Home Affairs and follow the instruction provided by the Department of Home Affairs.	Student



Document Control

The policies and procedures, and the forms included in this document are approved and implemented by MEE. This document will be electronically available to MEE staff in protected format (PDF file) in the designated folder. Any ongoing changes made to this document will be documented as per below.

Version	Authorised By	Description of the change	Approved Date	Effective Date
<i>Version 1</i>	<i>CEO</i>	<i>Created the Deferring, Suspending or Cancelling the Overseas Enrolment Policy and Procedure</i>	<i>09 July 2019</i>	<i>09 July 2019</i>