



Deferring, suspending or cancelling the student's enrolment Policy & Procedure

1. Policy

This policy/procedure provides information on the grounds in which an International student's enrolment may be deferred, suspended, or cancelled.

The following procedures will ensure Yarra College Australia follows the required processes when either a student or the RTO, wishes to defer, suspend, or cancel a student's enrolment. The procedures have been developed in line with the *ESOS National Code of Practice for Providers of Education and Training to Overseas Students 2018 (Standard 9)*.

Students are able to initiate deferral, suspension or cancellation of their studies only in limited circumstances or may have their enrolment suspended by the RTO due to misbehaviour. A student enrolment may be cancelled where a serious breach of Visa or enrolment conditions has occurred.

2. Procedure

2.1 Student Initiated Deferral, Suspension or Cancellation of Enrolment

Student Initiated Deferral or Suspension

Students may be able to temporarily defer the commencement of their studies or temporarily suspend their enrolment after commencement where they have a good reason to do so.

The RTO is only able to temporarily defer or suspend the enrolment of the student 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 was / is 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)
- Inability to begin studying on the course commencement date due to delay in receiving a student visa.

Please Note: The above are only some of examples of what may be considered compassionate or compelling circumstances. The RTO Manager along with the CEO will use their professional judgment and to assess each case on its individual merits. When determining whether compassionate or compelling circumstances exist, the RTO will consider documentary evidence provided to support the claim, and will keep copies of these documents in the student's file.

- 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 Student

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Administration. This application to defer must include in detail the ‘compassionate or compelling circumstances’ to support the temporary deferral of the start date of their studies.

- A student wishing to temporarily suspend their studies after commencement must complete an ‘Application to Defer, Suspend or Cancel enrolment’ and submit to Student Administration. This application for suspension of study must include (in detail) the ‘compassionate or compelling circumstances’ to support the temporary suspension of studies.
- Student Administration will:
 - Review all applications for deferral or suspension and determine if the application for deferral or suspensions is to be granted or rejected.
 - Will ensure the student is informed in writing of the outcome of their application for deferral or suspension using the ‘Letter of Notification’. This ‘Letter of Notification’ will also inform the student that the deferment or suspension may affect their student visa and they are advised to contact the Department of Home Affairs (DHA) in relation to the status of their student visa.
 - In the case of a student application being rejected the written notification to the student will also be informed of their ability to access the complaints and appeals policy and procedure if they wish to appeal the decision.
 - Will maintain all documentation in relation to the deferral or suspension application on the students file
 - Report any decisions to apply a student deferral or suspension of the student enrolment as a result of the student’s request via PRISMS.

Student Initiated Cancellation

A student may cancel their enrolment where they have decided to discontinue studying with the RTO.

Please note: Students wishing to transfer their enrolment prior to completing 6 months of study in their principle course must provide a letter of offer from an alternative provider. Further information can be gained from the ‘Transfer between Providers Policy and Procedure’.

- Students wishing to cancel their enrolment must complete an ‘Application to Defer, Suspend or Cancel Enrolment’ and submit to Student Administration.
- Student Administration will:
 - Maintain all application documentation for the cancellation of enrolment on the students file
 - Notify relevant Government agencies via PRISMS of the decision to cancel the enrolment as a result of the student’s request.
 - Will ensure the student is informed in writing of the outcome of their application for cancellation. This written notification will also inform the student that the deferment or suspension may affect their student visa and they are advised to contact DHA in relation to the status of their student visa

Students will be required to refer to their written agreement and the Refunds Policy and Procedure for details of the refund arrangements in place where an enrolment is cancelled.

2.2 Provider Initiated Deferral, Suspension or Cancellation of Enrolment

Provider Initiated Deferral

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The RTO may defer an enrolment where the course is not being offered at the proposed date, site, or any other reason the RTO deems necessary to cancel the course. In such cases a refund shall be processed as required or alternative courses offered. Please see 'Provider Default' within the Refund Policy and Procedure.

Provider Initiated Suspension or Cancellation

Yarra College Australia may suspend or cancel a student enrolment where they have not paid fees as documented in their written agreement or has behaved in a manner that is not appropriate for an education setting such as misbehaviour. Such actions may include but is not limited to acts of discrimination, sexual harassment, vilification or bullying, as well as acts of cheating or plagiarism. Such acts of misbehaviour will be classified into one of two categories – Academic Misconduct or General Misconduct. Where the Academic or General Misconduct is considered severe enough, the RTO has the right to cancel the student enrolment.

Academic Misconduct

The following gives an indication to the types of behaviour that constitute 'Academic Misconduct' within the Yarra College Australia.

Assessment breaches such as:

- Students must not copy or paraphrase any document, audio-visual material, computer-based material or artistic piece from another source except in accordance with the conventions of the field of study
- Students must not use another person's concepts, results or conclusions and pass them off as their own
- In cases where the assessment task is intended to be individual work not group work, students must not prepare an assignment collaboratively and then submit work that is substantially the same as another student's assessment.
- Students must not ask another person to produce an assessable item for them.

General Misconduct

General misconduct is where a student has acted in a manner that is not appropriate for an education setting.

The following examples indicate the kinds of behaviour which constitute student misconduct. They are for illustrative purposes and are not intended to be exhaustive. Examples of General Misconduct may include where a student has:

- Non-payment of fees as documented in the student's written agreement;
- Does not follow the rules and procedures of the RTO;
- prejudices the good name or reputation of the RTO;
- prejudices the good order and governance of the RTO or interferes with the freedom of other people to pursue their studies, carry out their functions or participate in the life of the RTO;
- fails to comply with conditions agreed in the contract;
- Willfully disobeys or disregards any lawful order or direction from RTO personnel;
- refuses to identify him or herself when lawfully asked to do so by an officer of the RTO;
- 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 RTO, or on RTO premises or other premises to which the student has access as a student of the RTO;
- obstructs any member of staff in the performance of their duties;
- acts dishonestly in relation to admission to the RTO;

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- knowingly makes any false or misleading representation about things that concern the student as a student of the RTO or breaches any of RTO rules;
- alters any documents or records;
- harasses or intimidates another student, a member of staff, a visitor to the RTO, or any other person while the student is engaged in study or other activity at Yarra College Australia, 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 RTO;
- 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 RTO premises while acting as an the RTO 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 RTO or for which the RTO is responsible; or
- is guilty of any improper conduct

Where a student has been identified of Academic or General Misconduct the CEO shall be informed and will make a decision on the penalty and the severity of the penalty. The CEO may take into account the type of misconduct that has occurred and the level of misconduct that occurred when deciding penalties.

The penalties the Yarra College Australia may impose include:

- Non payment of fees may result in suspension of studies until such time as the remaining fees are paid or cancel the enrolment where it has been determined the collection of fees will not be possible.
- Academic Misconduct could include a warning, repeating an assessment task, deemed NYC in the unit of competency , or suspension or cancellation of enrolment
- General Misconduct may result in a warning, a charge for any costs that may have caused, request for formal apology if the action affected a third party, or suspension or cancellation of enrolment

Where a student has been identified with Academic or General Misconduct Yarra College Australia 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 misconduct until they have either admitted to it or been found by proper inquiry by the CEO to have so behaved.
- Past misconduct 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 misconduct will be penalised more leniently than subsequent instances of misconduct.

Where a decision to suspend or cancel a student enrolment the RTO will inform the student in writing ('Letter of Student Misconduct (Suspension or Cancellation') of the following:

- The intention to suspend or cancel the student enrolment.
- That he or she has 20 working days in which to access Yarra College Australia's Complaints and Appeals policy and procedure and start the process of appealing the decision to suspend or cancel the enrolment. The student enrolment will not be cancelled or suspended until after this appeal period has passed.
- Where the student enrolment is to be suspended the length of the suspension must be included.

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- Where the enrolment is to be cancelled the effective date of the cancellation (at least 20 working days from the date of the letter).
- Students must also be informed that Yarra College Australia is obliged to inform DHA via PRISMS after the 20 day period of the suspension or cancellation and this may affect their student visa.
- Students will be advised to contact DHA in relation to the status of their student visa.

Student Administration will:

- Maintain all application documentation for the suspension or cancellation of enrolment on the students file.
- Notify DHA via PRISMS of the decision to suspend or cancel the enrolment as a result of the student's request only after the appeals period has passed. Where a student decides to access the complaints and appeals policy and procedure within 20 working days, the student must not be reported until the process has finished.

2.3 Default Notifications

Any provider or student cancellation must be reported by the CEO as follows:

Provider (RTO) Default:

- Yarra College Australia are required to notify the Secretary and the TPS Director within 3 business days if they default – that is, if they are not able to deliver the course to a student as agreed.
- From this default date the provider will then have 14 days to meet their default obligations.

Student Default:

- Yarra College Australia will have 5 business days to notify of a student default – that is, if the student does not commence on the agreed starting date or a re-negotiated date or otherwise fails to meet the terms and conditions of their agreement with the provider.
- From this default date the student will then have 28 days to meet their default obligations.

Additionally, Yarra College Australia must report the outcome of the provider or student default within 7 days of the end of the default period, i.e. report whether the student took the offer of an alternative course or a refund, and, if a refund, how much was paid.

All default notifications and reporting is to be completed through PRISMS by the CEO.

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