Deferring, Suspending or Cancelling Overseas Student Enrolment Policy and Procedure

Purpose
The purpose of this policy is to ensure TAFE Queensland East Coast meets the current legislative requirements specific to registered providers who deliver education and training services to overseas students in line with the regulatory framework.

Scope
This policy and procedure applies to the deferring, suspension or cancellation of overseas students’ study under Standard 13 of the National Code 2007.

Policy
TAFE Queensland East Coast will only defer, temporarily suspend or cancel the enrolment of an overseas student on the grounds of:

- Compassionate or compelling circumstances
- Student misconduct
- Non-payment of tuition fees
- Non-commencement of studies
- Inactive withdrawal
- Extenuating circumstances relating to the welfare of the student

Compassionate or Compelling Circumstances
TAFE Queensland East Coast may grant deferral of commencement of studies or suspension of studies for students who request such a change to their enrolment status on the grounds of compassionate or compelling circumstances.

Compassionate or compelling circumstances are generally those beyond the control of the student and they have an impact on the student’s capability and/or ability to progress through a course. These could include:

- Serious illness or injury, where a medical certificate states that the student was unable to attend class
- Bereavement of close family members such as parents, siblings, or grandparents (where possible a death certificate should be provided)
- Major political upheaval or natural disaster in the home country requiring their emergency travel and this has impacted their studies
- A traumatic experience which could include but is not limited to:
  - Involvement in or witnessing of a serious accident
  - A serious crime committed against the student
  - The student has been a witness to a serious crime

These cases may be supported by police, qualified TAFE Queensland counsellor, or psychologists’ reports and copies of these documents should be kept in the student’s file.

For the purpose of this particular policy the following additional situations would be considered ‘compelling’ circumstances and could support the granting of deferral or suspension of studies:

- Where TAFE Queensland East Coast is unable to offer a pre – requisite unit
- Inability to begin studying on the course commencement date due to delay in receiving a student visa

Request for deferral or suspension must be applied for and approved in writing by the International Manager. The Senior International Business Officer may consult the relevant Educational Manager to consider the program offered when the student plans to resume study, registration of the program and places available for the student. When determining how long is acceptable for suspension of studies, TAFE Queensland East Coast will consider whether it would be reasonable to expect the student to be able to catch up in the study period(s) for which the suspension is requested.
Non-payment of tuition fees

Where a student has not paid their tuition fees before the commencement of the semester, TAFE Queensland East Coast will issue a letter of intent to suspend or cancel enrolment. The student will not be allowed to attend or participate in the course until such time as the outstanding tuition fees are paid in full. If the student fails to respond to the notice, TAFE Queensland East Coast will, after the 20 day appeal has lapsed, advise the Department of Immigration and Border Protection (DIBP) via PRISMS of the termination of studies (Provider decision to cease student enrolment, non-payment of fees).

Student Misconduct

TAFE Queensland East Coast may choose to temporarily suspend a student's enrolment if it deems the student's behaviour to be unacceptable for an educational setting. This includes both academic and behavioural misconduct as outlined in the TAFE Queensland Student Rules.

In the event of serious or repeat misconduct TAFE Queensland East Coast may choose to exclude the student. Exclusions/expulsions from TAFE Queensland East Coast will not be calculated into the student's overall attendance percentage.

Regardless of whether the suspension of enrolment is the result of a student request for suspension based on compassionate and compelling circumstances or an Institute imposed suspension of enrolment due to misconduct or extenuating circumstances, the period of suspension of enrolment (as entered in PRISMS) will not be calculated in the attendance monitoring calculations.

Termination of Studies in Extenuating Circumstances

TAFE Queensland East Coast may initiate an immediate suspension or cancellation of a student's enrolment on the grounds of extenuating circumstances. In the case of extenuating circumstances TAFE Queensland East Coast will not await the outcome of an internal or external appeal and the change in the student's enrolment will be reported to DIBP via PRISMS. Extenuating circumstances may include, but are not limited to the following. The student:

- Refuses to maintain approved care arrangements (only for students under 18 years of age);
- Is missing; and has not responded to telephone calls, emails and correspondence sent to address/phone provided to International Unit (IU);
- Has medical concerns, severe depression or psychological issues which lead TAFE Queensland East Coast to fear for the student's wellbeing;
- Has engaged or threatens to engage in behaviour that is reasonably believed to endanger the student or others; or
- Is at risk of committing a criminal offence.

Any claim of extenuating circumstances must be supported by appropriate evidence and approved by the International Unit.

Notifying the Student and DIBP via PRISMS

Where TAFE Queensland East Coast decides to defer, suspend or cancel the student's enrolment TAFE Queensland East Coast will:

- Notify the student in writing of its intention to defer, suspend or cancel the enrolment and that changes to the student's enrolment may affect his/her visa;
- Refer the student to the DIBP website or helpline for information and the local DIBP office for advice; and
- Notify DIBP via PRISMS, as required under section 19 of the ESOS Act, of the change in the student's enrolment and issue a new CoE, if required.

There following are three different outcomes for the student's CoE:

1. TAFE Queensland East Coast notifies DIBP via PRISMS that it is deferring or suspending a student's enrolment for a period without affecting the end date of the CoE. In this case there is no change to the CoE or the student's enrolment status on PRISMS ie. the student's CoE status will still be listed as 'studying'. However, the notice of deferral or suspension will be recorded in PRISMS and sent on to DIBP. This information will be kept for future reference.
2. TAFE Queensland East Coast notifies DIBP via PRISMS that it is deferring or suspending a student's enrolment for a period which will affect the end date of the CoE. In such situations, PRISMS will cancel the original CoE, and immediately offer the provider the opportunity to create a new CoE with a more appropriate end date. If the provider does not know when the student will return,
it can choose not to create a new CoE at that point, but to wait until the student has notified the provider of the intended date of return before creating the new CoE.

3. TAFE Queensland East Coast notifies DIBP via PRISMS that it wishes to **permanently cancel** (terminate) the student’s enrolment. Once this process is complete, the student’s CoE status will be listed as ‘cancelled’.

**Appeals**

If the student disagrees with the Institute’s decision to initiate suspension or cancellation of enrolment the student has 20 working days access the Institute’s internal appeals process. Students may access the internal appeals process by completing an Overseas Student Appeal Application form. TAFE Queensland East Coast will maintain the student’s enrolment and continue to offer learning opportunities to the student until the internal appeals process is completed, unless extenuating circumstances relating to the welfare / safety of the student or others apply and TAFE Queensland East Coast General Manager has indicated that the student is not allowed on the grounds.

If the student is unsatisfied with the outcome of the internal appeals process he/she choose to access the external appeals process. TAFE Queensland East Coast is not required to wait for the outcome of an external appeal before notifying DIBP via PRISMS of the change to the student’s enrolment status.

**Procedure**

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<th>Standard 13 – Deferring, Suspension or Cancellation of Study During Enrolment</th>
<th>Student Request for Deferral or Suspension</th>
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<tr>
<td><strong>Overseas Student</strong></td>
<td>1. Where the student wishes to defer the commencement of studies or suspend there studies, he/she completes an Overseas Student Deferral or Suspension Request form</td>
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</table>
| **ISSO** | 1. Receives student's request for deferral or suspension  
2. ISSO discusses possible financial implications with student.  
3. Reviews request for compassionate or compelling circumstances as defined above  
4. Forwards student's request to Senior International Business Officer for decision |
| **Senior International Business Officer** | 1. If required, meet with or speak with student to get a better understanding of the compassionate or compelling reasons for the student's request  
2. Advise student that changes in their enrolment may affect their visa  
3. Uses professional judgment and assess each case on its individual merits and presented compassionate and compelling circumstances  
4. Where the student is granted deferral or suspension of studies:  
(a) Liaise with appropriate faculty to ensure student will be able to re-commence their studies or decide length of suspension  
(b) Notify the student in writing via the Letter of Intent to Defer or Suspend Studies that their request has been approved and to contact DIBP  
(c) Forward approval and new start date or length of suspension to the ISSO  
5. Where the student is denied deferral or suspension of studies:  
(a) Notify student in writing that their request was denied via the Deferment Suspension Refusal Letter  
(b) Advise student that he/she may appeal the decision within 5 working days of receiving the Refusal Letter |
| **ISSO** | 1. Receives approval from Senior International Business Officer to defer or suspend student’s enrolment  
2. Notifies DIBP via PRISMS of the change of enrolment:  
(a) PRISMS will guide through the process  
(b) If required, issue a new CoE  
3. If request is denied, ensure student is aware of internal appeals process and has an Overseas Student Appeal Application  
4. Files all documentation, including the Overseas Student Deferral or Suspension Request form and supporting evidence, on the student's file in the IU |

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<td><strong>Teacher or Staff</strong></td>
<td>1. Where student has displayed misconduct, notifies IU of student’s misconduct</td>
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</table>
| **ISSO and/or Senior International Business Officer** | 1. Where the student has displayed academic or behavioural misconduct as defined in the TAFE Queensland Student Rules, Section 18 Misconduct:  
(a) Request meeting with student and advise student that he/she is in violation of |
the TAFE Queensland Student Rules

(b) If the decision is made at that time to suspend or cancel the student’s enrolment, provides student with Letter of Intention to Suspend or Cancel Enrolment

2. Where the student has not paid tuition fees:

(a) Contact student to try to collect tuition fees

(b) If student does not pay, notify student that his/her enrolment will be suspended or cancelled via the Letter of Intent to Suspend or Cancel Enrolment for Non-Payment of Fees

(c) The student will not be allowed to attend or participate in the course until such time as the outstanding tuition fees are paid in full.

(d) If the student fails to respond to the notice, TAFE Queensland East Coast will, after the 20 day appeal has lapsed, advise DIBP via PRISMS of the termination of studies (Provider decision to cease student enrolment, non-payment of fees).

3. If suspending student, liaise with relevant Educational Manager to consider the program offered when the student would resume study, registration of the program and places available for the student

4. Advise student of appeals process and that changes in his/her enrolment may affect their visa

5. If the student has chosen not to access the complaints and appeals process within the 20 working day period, or withdraws from the process, or the appeals process is finalised and the outcome supports the Institute’s decision to suspend or cancel the student’s enrolment:

(a) The ISSO notifies DIBP via PRISMS of changes to student enrolment

(b) ISSO provides student with DIBP contact information

6. Files all documentation on the student’s file in the IU

ISSO

1. Where the student has not commenced studies, inactively withdrawals, or extenuating circumstances relating to the welfare of the student applies TAFE Queensland East Coast is not required to notify the student of its intent to cancel the students enrolment

2. At the discretion of the Senior International Business Officer, sends Letter of Intent to Suspend or Cancel Enrolment to last known address of the student

3. Forwards to Senior International Business Officer for approval to notify DIBP via PRISMS of cancellation of the student’s enrolment

4. Files all documentation on the student’s file in the IU

References

National Legislation (www.comlaw.gov.au)

- *Education Services for Overseas Students Act 2000 – National Code 2007*
- *Education Services for Overseas Students Regulations 2001*
- *Education Services for Overseas Students (Registration Charges) Act 1997*
- *Education Services for Overseas Students Legislation Amendment (Tuition Protection Service and Other Measures) Act 2012*

Other

- *TAFE Queensland Student Rules*
- *The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007*

Glossary

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Authorisation

This policy has been approved by the TAFE Queensland East Coast General Manager or delegate. This policy’s effective date is the same as the date of approval. This policy supersedes any previous versions.

Approved by Carolyn Jalal Date 23/09/2014