

Deferring, Suspending or Cancelling Student Enrolment Policy and Procedure

1. Policy

This Policy and Procedure is primarily in line with Standard 2.1.8, 8, 9 and 10 'National Code of Practice for Providers of Education & Training to Overseas Students 2018' and Standards for Registered Training Organisations (SRTOs 2015).

2. Purpose

The purpose of this Policy and Procedure is to outline circumstances for the application, assessment and approval that allow Vardhan Institute of Management and Technology (VIMT) to defer, suspend or cancel the Enrolment of a Student either initiated by Student or VIMT and subsequent reporting requirements via PRISMS.

3. Scope

This Policy applies to all Students currently studying or intending to study with VIMT and associated Staff.

4. Definitions & Abbreviations

- a. **Deferral:** Postponement of the commencement of a course of study. Must occur prior to start of a study period.
- b. **Suspension:** Temporary postponement of an undertaken course of study. May occur at any time during a study period.
- c. **Cancellation:** Termination of Enrolment.
- d. **Leave of Absence:** A request by the student to temporarily postpone study after the commencement of the study period (Student initiated).
- e. **Course:** Means a course of education or training as defined in the ESOS Act.
- f. **CoE:** Confirmation of Enrolment.
- g. **DHA:** Department of Home Affairs.
- h. **PRISMS:** The Provider Registration and International Student Management System.
- i. **Study Period:** A discrete period of study within a course. VIMT uses "Term" to define a study period.
- j. **Compassionate or Compelling Circumstances:** are generally those beyond the control of the Student and which have an impact upon the Student's course progress or wellbeing. These could include, but are not limited to:
 - a) serious illness or injury, where a medical certificate states that the Student was unable to attend classes
 - b) bereavement of close family members such as parents or grandparents (Where possible a death certificate should be provided)
 - c) major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the Student's studies

- d) 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)
- e) Where the registered provider was unable to offer a pre-requisite unit, or the Overseas Student has failed a prerequisite unit and therefore faces a shortage of relevant units for which they are eligible to enrol.
- f) Inability to begin study 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. VIMT Staff will use their professional judgment to assess each case on its individual merits. When determining whether compassionate or compelling circumstances exist, VIMT will consider documentary evidence provided to support the claim, and should keep copies of these documents in the Student's file.

5. Policy Statement

- a. VIMT allows changes to a Student's Enrolment to take place by way of assessing, approving and recording a deferment of the commencement of study or suspension of study for the Student, including keeping documentary evidence in the Student's file of the assessment of the application.
- b. VIMT can only defer or suspend the Enrolment of a Student if it believes there are compassionate or compelling circumstances.
- c. VIMT may suspend or cancel a Student's Enrolment including, but not limited to, on the basis of:
 - a. non commencement of studies
 - b. misbehaviour by the Student
 - c. the Student's failure to pay an amount he or she was required to pay to VIMT to undertake or continue the course as stated in the written agreement
 - d. A breach of course progress by the Overseas Student and must occur in accordance with Standard 8 (Overseas Student Visa Requirements).
- d. VIMT may cancel a Student's Enrolment where a serious breach of visa or Enrolment conditions has occurred.

- e. VIMT shall ensure to inform the Student if the suspension or cancellation is initiated, before imposing a suspension or cancellation VIMT must;
 - a. informs the Student of that intention and the reasons for doing so, in writing
 - b. advises the Student of their right to appeal through VIMT's internal complaints and appeals process, in accordance with Standard 10 (Complaints and appeals), within 20 working days.
- f. The suspension or cancellation of the Overseas Student's Enrolment cannot take effect until the internal appeals process is completed.
- g. VIMT must inform the Overseas Student of the need to seek advice from Immigration on the potential impact on his or her Student visa.
- h. VIMT must report the change to the Overseas Student Enrolment to the DHA via PRISMS.
- i. Leave of absence, deferral, suspension or cancellation of Enrolment may have implications on Student's visa; especially if the course end data has been changed. VIMT recommends that Students seek appropriate advice regarding these implications and does not provide immigration advice to Students.

6. Procedure

Provider Initiated Deferring or Suspending a Course of Study

6.1 Provider Deferral

VIMT may defer an Enrolment where the course is not being offered or commenced at the proposed date, site, or any other reason VIMT deems necessary to cancel the course. In such cases a refund shall be processed as required or alternative courses offered.

6.2 Provider Suspension

VIMT has the ability to suspend a Student's Enrolment on the grounds of misbehaviour. This misbehaviour 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 are broadly classified into one of two categories:

a. Academic Misconduct: The following gives an indication to the types of behaviour that constitute 'Academic

Misconduct' within VIMT 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.

b. General Misconduct: Students may also have their Enrolment suspended due to misbehaviour which can also be grounds for cancellation of studies. The following are some of the examples that indicate the kinds of behaviour which constitute the Student misconduct when a Student:

- harasses other Students or Staff
- interferes with Students or Staff
- prevents or disrupts learning
- fails to comply with conditions agreed in the Enrolment Agreement
- disobeys/fails to comply with Policies and Procedures of VIMT
- misuses, damages or steals an VIMT's property or the property of others
- alters/defaces VIMT's documents or records
- prejudices the good name or reputation of VIMT via any platform (including social media)
- otherwise acts in an improper manner
- act dishonestly

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

d. Where a Student has been identified with Academic or General Misconduct VIMT 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 Operations Manager 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 the subsequent instances of the misconduct.

e. Students are able to access the 'Complaints & Appeals Policy and Procedure' if they feel that the decision is unfair or they have other grounds to appeal the decision.

The penalties the Operations Manager may impose are:

- Academic Misconduct could include a warning, deemed unsatisfactory in an assessment, deemed NYC in the unit, or suspension of Enrolment.
- A charge for any costs that the general misconduct may have caused.
- Temporary exclusion from VIMT in the form of suspending Enrolment for a period of time.

g. Where a Student's Enrolment is suspended a letter will be sent to the Student indicating them of the suspension and the length of suspension. Students will be informed how to access to 'Complaints & Appeals Policy and Procedure' and that they have 20 working days to submit any appeal against the decision.

h. If a Student's Enrolment is suspended for a period of 28 days or longer, is that the Student must return home (unless special circumstances exist). Please refer all questions about whether Students may remain in Australia during a period of suspension of Enrolment to DHA.

i. Where the misconduct is severe, the Operations Manager may decide to cancel the Enrolment (see below).

6.3 Provider Cancellation

In some cases, where the Student's misconduct is severe, VIMT has the right to cancel the Enrolment.

- a. Where the Operations Manager has decided the misconduct is severe enough for the cancellation the following must occur:
 - o The Student must be informed in person (where possible), and in writing of the decision of VIMT to cancel the Student's Enrolment.
 - o They must be informed of the fact that they have the right to appeal the decision by accessing 'Complaints & Appeals Policy and Procedure' and completing this appeal within 20 working days of the notification.
 - o Students must also be informed that VIMT is obliged to inform DHA via PRISMS after the 20 working day period and that they will be at risk of having their visa cancelled.
- b. A recommendation to Cancel a CoE must be approved by either the CEO/Delegate.
- c. Student Administration will cancel CoE via PRISMS only after the CEO/Delegate has given an approval for cancellation and will notify the DHA via PRISMS within 10 working days of the change to the Student's Enrolment status.

7. Student Initiated Deferring or Suspending a Course of

Study 7.1 Student Deferral

- a. Students wishing to defer their Enrolment must to do so prior to the commencement of course/ study period and must include in details the reasonable grounds (compelling or compassionate circumstances as outlined above in Section 4j) for which the deferral should be considered.
 - i. Students must complete 'Deferment or Suspension Request Form' and submit it to the VIMT Administrations Department. This form can be obtained from VIMT's reception or from the VIMT's website. The form must be submitted at least 14 working days prior to the requested deferral or soon as practicable.
 - ii. Students will need to substantiate their claims with appropriate supporting documentation. Deferral or suspension of studies cannot be used for personal travelling, undertaking hobbies, working or taking holidays/breaks, and will not be approved on such grounds.
- b. The Administration Staff will process the deferment as one of the following scenarios:
 - i. The Administration Staff notifies the DHA via PRISMS that they are deferring an Overseas Student's Enrolment for a period without affecting the end date of the CoE. There will be no change to the CoE on PRISMS – the Overseas Student will still be listed as studying.
 - ii. The Administration Staff notifies the DHA through PRISMS that they are deferring an Overseas Student's Enrolment for a period which will affect

the end date of the CoE. PRISMS will cancel the original CoE and immediately offer the opportunity to create a new CoE with a more appropriate end date. If the VIMT does not know when the Overseas Student will return, it can choose not to create a new CoE at that point, but to wait until the Overseas Student has notified VIMT of the intended date of return before creating a new CoE.

- c. If an application for deferment being approved or denied, the outcome will be notified to the student in writing and, if denied, reasons for the refusal will be given.
- d. In the event of an application for deferment being approved, Administration Staff will notify the DHA via PRISMS within 10 working days of the change to the Student's Enrolment status.
- e. If the Student does not return to study after the approved deferral period, their Enrolment will become inactive. Student will be send Intention to report notice and 20 working days given to appeal this decision as per VIMT's compliant and appeal process. Student should be informed about the impact of this on their Student visa.

7.2 Student Suspension

- a. VIMT is only able to temporarily suspend the Enrolment of the Student on the grounds of compassionate or compelling circumstances (See Section 4j).
- b. Students will be required to complete 'Deferment or Suspension Request Form' and submit to the Administrations Staff. Students will also be required to provide evidence of the compassionate or compelling circumstances in their application. (i.e. a medical certificate or police report, etc.)
- c. Where a suspension of Enrolment is granted, VIMT will suspend an Enrolment for an agreed period of time - to a maximum of 12 months. If the suspension is required for longer than 12 months, the Student shall have to re-apply once the initial suspension period has expired.
- d. Students are to be informed in writing of the outcome of their application for suspension and informed that it may affect their Student visa.
- e. All application documentation for the suspension will be kept on the Students file and DHA shall be notified via PRISMS of the decision to suspend the Enrolment as a result of the Student's request.
- f. Please refer all questions about whether Students may remain in Australia during a period of suspension of Enrolment to DHA.

7.3 Student Cancellation

- a. Students intending to have their Enrolment cancelled must notify VIMT in writing via email or by filling the 'Enrolment Cancellation Form' which can be obtained from website or VIMT reception.
- b. Prior to applying to cancel their Enrolment, Students must pay any outstanding fees.
- c. The Administration Staff notifies the DHA through PRISMS within 10 working days.
- d. Once this process is complete, the Overseas Student's CoE status will be listed as 'cancelled' and the Student will be notified in writing.

8. Restricted Period

- a. If a Student is intending to withdraw prior to the completion of six months of the principal course of study, they should be directed to and given access to VIMT's Transfer between Providers Policy and Procedure. Students should be informed that as per the NCP 2018 Standard 7 according to which the Institutes providing courses to international Students are restricted from enrolling transferring Students from other providers prior to the Student completing six months of his or her principal course of study.
- b. While the VIMT may grant a Student a release in this restricted period, it is not required to do so, and it may exercise appropriate discretion. Possible reasons that release may not be given include, but are not restricted to
 - A Student requesting a transfer has an inaccurate understanding of what the transfer represents to the study options
 - The Student still owes fees
 - It is suspected that the Student is seeking transfer only to avoid being reported to DHA for failure to meet course progress requirements
 - VIMT considers this transfer to be detrimental to the Student's interests
 - The reasons stated for the request to transfer have not been adequate
 - The transfer does not appear to be for the purpose of an educational or career-oriented benefit
 - The course requested transfer to is the same or similar to the currently enrolled course(s)
 - The primary reason for a transfer request is for a different class schedule which is more suited to the Student's current or anticipated employment interests, or other non-educational interest.
- c. When a Student applies to cancel their Enrolment from a course during this restricted period, the Student must complete and submit a 'Enrolment Cancellation Form' which is accompanied by a valid letter of offer from another provider.
- d. In the event that a Student's application for cancellation from an enrolled course(s) is approved, a designated Administration Staff must notify the Department of Home Affairs via PRISMS within 10 working days of the change to the Student's Enrolment status.

9. Recording and Reporting Deferrals, Suspension or Cancellation of Enrolments

- a. All applications of deferral, suspension and cancellation and their outcomes are to be kept on the Students file.
- b. All reports of misconduct, decisions and actions taken in relation to misconduct, and other related documentation must be kept on Student's file.
- c. Any decisions to initiate deferral, suspension or cancellation of an enrolment must be reported to the appropriate government agency(s) via PRISMS and student records are updated in the Student Management System.

d. Students are to be kept informed of any decisions or outcomes related to deferment, suspension, or cancellation of Enrolments.

e. All Students are to be given the opportunity to access the 'Complaints & Appeals Policy and Procedure' before reporting any provider initiated suspensions or cancellations of Enrolments via PRISMS occurs. The Students have 20 working days to lodge an appeal.

f. Where a student decides to access this Procedure within 20 working days of notification VIMT must wait until the process has finished before going ahead with the reporting of the Student's Enrolment changes via PRISMS.

10. Reporting Non-commencement of course - Initiated by VIMT

VIMT cancels the student's enrolment after 20 working days from the date of the course start date and will report to the DHA via PRISMS for Non – commencement.

11. Responsibility

Operations Manager, Administration Staff, Student Support Officer, CEO/Delegate are the responsible persons for the effective implementation of this Policy and Procedure.

• Related Policies and Documents

- Complaints and Appeals Policy and Procedure
- Transfer between Providers Policy and Procedure
- Complaint and Appeals Form
- Deferment or Suspension Request Form
- Enrolment Cancellation Form