

POL-ENR-04 Overseas Student Deferral, Suspension and Cancellation Policy

GOVERNANCE

National Code 2018 – Standard 9

National Code 2018 – Standard 8

PURPOSE

To provide a documented process for assessing, approving, and recording a deferment of the commencement of study or the suspension and cancellation of enrolment for the overseas student, including keeping documentary evidence on the student's file of the assessment of the application.

SCOPE

This policy applies to Ironwood Institute and all overseas students and enrolling overseas students.

DEFINITIONS

Deferral: means to delay the commencement of a course.

Suspension: to stop a student's enrolment or cause the student to be inactive either temporarily or permanently.

Cancellation: it is the permanent termination of the student's enrolment and the student's CoE status will be listed as "cancelled".

Withdrawal: means a student that wishes to withdraw from a commenced course

Compassionate or Compelling circumstances: are defined as circumstances 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 these experiences have impacted on the student (cases should be supported by police or psychologist's reports)
- e) Inability to begin studying on the course commencement date due to delay in receiving a student visa.

Student Misconduct: also, misbehaviour is defined as students who display unacceptable behaviour in accordance with the Student Handbook and Code of Conduct.

To ensure all students receive equal opportunity to gain the maximum benefit from their training, any person(s) displaying the following dysfunctional or disruptive behaviour may be asked to leave the session and/or the course. Examples of unacceptable behaviour include but are not limited to the following:

- Contravenes any rules or acts
- Prejudices the good name or reputation of Ironwood Institute
- Prejudices the good order and governance of Ironwood Institute or interferes with the freedom of other people to pursue their studies, carry out their functions or participate in the life of Institute
- Fails to comply with conditions agreed in the contract
- Willfully disobeys or disregards any lawful order or direction from Ironwood Institute personnel
- Refuses to identify him or herself when lawfully asked to do so by an officer of Ironwood Institute
- 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 Ironwood Institute, or on Ironwood Institute premises or other premises to which the student has access as a student of Ironwood Institute
- Obstructs any member of staff in the performance of their duties
- Acts dishonestly in relation to admission to Ironwood Institute
- Knowingly makes any false or misleading representation about matters that concern the student as a student of Ironwood Institute or breaches any of Ironwood Institute rules
- Alters any documents or records
- Harasses or intimidates another student, a member of staff, a visitor to Ironwood Institute, or any other person while the student is engaged in study or other activity as an Ironwood Institute student, 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 Ironwood Institute
- 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 Ironwood Institute premises while acting as an Ironwood Institute 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 Ironwood Institute or for which Ironwood Institute is responsible; or
- Is guilty of any improper conduct.

POLICY STATEMENT

- a) Ironwood Institute has implemented a documented process for assessing, approving, and recording a deferment, suspension, withdrawal, and cancellation of enrolment including maintaining a record of any decisions.
- b) Ironwood Institute may **defer or suspend** the enrolment as requested by the student if it is based on compassionate or compelling circumstances.
- c) Ironwood Institute may initiate suspension **or cancellation** of a student's enrolment based on, but not limited to:
 - misbehavior by the student
 - the student's failure to pay an amount he or she was required to pay Ironwood Institute to undertake or continue the course as stated in the written agreement
 - a breach of course progress or attendance requirements by the overseas student, which must occur in accordance with Standard 8 (Overseas student visa requirements).
- d) If Ironwood Institute initiates a **suspension or cancellation** of the overseas student's enrolment, before imposing a suspension or cancellation Ironwood Institute will:
 - inform the overseas student of that intention and the reasons for doing so, in writing

- advise the overseas student of their right to appeal through the Ironwood Institute internal complaints and appeals process, in accordance with Standard 10 (Complaints and appeals), within 20 working days.
 - wait for the internal complaints and or appeals process to be completed, in cases of misbehaviour and non-payment.
 - wait for both the internal and external complaints handling and appeals processes to be completed in case of course progress and/or attendance breaches.
 - not wait for the complaints and appeals process when the overseas student's health or wellbeing, or the wellbeing of others, is likely to be at risk. This may include but not limited to:
 - has medical concerns, severe depression or psychological issues which lead Ironwood Institute to fear for the overseas student's wellbeing
 - has engaged or threatens to engage in behaviour that is reasonably believed to endanger the overseas student or others; or
 - is at risk of committing a criminal offence.
- e) When there is any deferral, suspension, withdrawal or cancellation, Ironwood Institute will:
- Inform the overseas student of the need to seek advice from Australian Department of Home Affairs on the potential impact on his or her student visa.
 - Report the change to the overseas student's enrolment on PRISMS.
 - Ensure all documentation relating to deferment, temporary suspension, withdrawals, or cancellation of studies will be held in the student's file and managed by the Student Support Officer.
 - Ensure any discussions with the student and relevant staff members relating to the deferment, temporary suspension, withdrawal, or cancellation of studies will be recorded and placed as minutes in the student's file.

1 Acceptable reason for suspension or cancellation

1.1 Student initiated: In accordance with the National Code 2018, Ironwood Institute can defer or temporarily suspend a student's enrolment initiated by the student on the grounds of compassionate or compelling circumstances.

1.2 Ironwood Institute initiated: Ironwood Institute can initiate a suspension or cancellation of a student's enrolment including, but not limited to, the following factors:

- Student misconduct
- Failure to comply with the Offer of Terms as outlined in the Letter of Offer and Acceptance (Written Agreement) for Course Progress or attendance, and any formal warning issued by Ironwood Institute against these processes, which are in accordance with Standard 8 (Overseas student visa requirements)
- The non-payment of fees in accordance with the Offer of Terms as outlined in the Letter of Offer and Acceptance (Written Agreement) and Payment Schedule

2 Deferral

Applications for deferral of the commencement of the course must be made by completing a Deferment Suspension Cancellation Withdrawal Form (DSCW) with any additional evidence and submitting it to Ironwood Institute Admissions Staff prior to the course commencing. The DSCW Form can be submitted via Email, Mail or in Person. Verbal or on telephone requests are not accepted.

- Email address: admissions@ironwood.edu.au
- Mail: PO Box 3440 Rundle Mall SA 5000
- In Person - Ironwood Institute Level 3, 112 Rundle Mall, Adelaide SA 5000

Once Ironwood Institute has processed the deferral request, the student will receive written correspondence of the outcome.

- a) An updated Confirmation of Enrolment letter and Enrolment Agreement will be provided to reflect the new training plan.
- b) Ironwood Institute will inform the Secretary of the Department of Education via PRISMS as required under the ESOS Act.

3 Suspension

Applications for suspension of enrolment must be made by completing a DSCW Form with any additional evidence and submitting it to Ironwood Institute Student Support Officer. The DSCW Form can be submitted via Email, Mail or in Person. Verbal or on telephone request are not accepted.

- Email address: studentsupport@ironwood.edu.au
 - Mail: PO Box 3440 Rundle Mall SA 5000
 - In Person - Ironwood Institute Level 3, 112 Rundle Mall, Adelaide SA 5000
- a) Applications must be received at least 10 working days prior to the requested suspension date.
 - b) Applications received less than 10 working days prior to the requested suspension date will not be processed.
 - c) In the event of an emergency requiring suspension, the submission timeline of 10 working days may be waived by Ironwood Institute.
 - d) The Student Support Officer will then check that all information is attached and send the suspension request to the Head of Student Administration and Quality for review and a decision will be made and communicated to the student
 - e) If Ironwood Institute has initiated suspension, the student will receive a notice of intention to suspend the enrolment.
 - f) If not satisfied, the student may appeal the outcome in accordance with the Complaints and Appeals Policy.
 - g) Ironwood Institute will inform the Secretary of the Department of Education via PRISMS as required under the ESOS Act

4 Cancellation

Applications for cancellation of enrolment must be made by completing a DSCW Form with any additional evidence and submitting it to Ironwood Institute Student Support Officer. The DSCW Form can be submitted via Email, Mail or in Person. Verbal or on telephone request are not accepted.

- Email address: admissions@ironwood.edu.au
 - Mail: PO Box 3440 Rundle Mall SA 5000
 - In Person - Ironwood Institute Level 3, 112 Rundle Mall, Adelaide SA 5000
- a) The Student Support Officer will then check all information is attached and send the cancellation request to the Deputy Director for review against the Policy & Procedures. The decision is to be made and communicated to the student.
 - b) If Ironwood Institute has initiated cancellation, the student will receive a notice of intention to cancel the enrolment.
 - c) If not satisfied, the student may appeal the outcome in accordance with the Complaints and Appeals Policy.
 - d) Ironwood Institute will inform the Secretary of the Department of Education via PRISMS as required under the ESOS Act.

5 Withdrawal

Applications for Withdrawal from a course must be made by completing a Deferral Suspension Cancellation Withdrawal (DSCW) Form with any additional evidence and submitting it to the Ironwood Institute Student Support Officer. The DSCW Form can be submitted via Email, Mail or in Person. Verbal or on telephone request are not accepted.

- Email address: admissions@ironwood.edu.au
 - Mail: PO Box 3440 Rundle Mall SA 5000
 - In Person - Ironwood Institute Level 3, 112 Rundle Mall, Adelaide SA 5000
- a) Any withdrawal must be done formally with evidence of why the student is withdrawing
 - b) Ironwood Institute has the right to refuse a withdrawal where a student has not completed six (6) months of their primary course
 - c) Ironwood Institute has the right to refuse a withdrawal on the grounds that the student has outstanding fees or if the student is in the debt recovery process as 'unresolved'
 - d) Any refund application will be processed in accordance with the refund policy
 - e) Certification of any description will only be processed after all outstanding fees are paid
 - f) Certification will be issued within 30 calendar days of these conditions being met
 - g) All documentation will be recorded in the student file
 - h) In this instance the reasons must be documented and recorded to justify this decision
 - i) Should the student wish to withdraw and return to their home country, the student must advise the Australian Department of Home Affairs to cancel their student visa

6 Prior to suspension or cancellation

In any given situation that leads to a deferment, suspension, withdrawal, or cancellation of studies, instigated by Ironwood Institute, prior to imposing a suspension/cancellation:

- Formal written notification will be provided to the student of the intent and reasons for suspension/cancellation
- The student will be informed of their right to appeal this decision, as well as the timeframe and process for doing so
- The student shall have 20 working days to access Ironwood Institute's Internal Complaints and Appeals process in accordance with Standard 10 (Complaints and appeals).

7 Complaints and Appeals Process

The deferment, temporary suspension, withdrawal, or cancellation of studies cannot take effect until the internal Complaints and Appeals process has been completed, unless extenuating circumstances relating to the welfare of the student apply.

At the completion of the complaints and appeals process, should the deferment, temporary suspension or cancellation of studies be upheld by the complaints and appeals hearing, Ironwood Institute will inform the Secretary of the Department of Education via PRISMS as required under the ESOS Act.

8 Deferral, suspension, withdrawal, or cancellation advising and reporting obligations

In the instance of deferral, suspension, withdrawal, or cancellation action going ahead Ironwood Institute will inform the overseas student regarding the need to immediately contact the Australian Department of Home Affairs for advice on the potential impact to the student's visa.

Ironwood Institute will report the change to the overseas student's enrolment as per section 19 of the ESOS Act.

9 Guidelines and Implications of Suspension or Cancellation

Should a student enrolment be suspended for a period of 28 days or longer, the student must return home, unless special circumstances exist.

Students are to be made aware that:

- Students can only suspend enrolment for a maximum period of six months,

- There is no maximum period for a deferral under compassionate or compelling reasons,
- Deferral, suspension, withdrawal, or cancellation of enrolment may affect the student's visa,
- If the enrolment is suspended for a period greater than six months, the student's visa may be cancelled by the Australian Department of Home Affairs.

RESPONSIBILITIES

- CEO/Delegate – for overall authority
- CEO/Delegate – for compliance
- Student Support Officer – for implementation, monitoring, and evaluation

RELATED LEGISLATION AND REGULATIONS

- The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018, known as 'the National Code 2018'
- Standards for Registered Training Organisations (RTOs) 2015
- Education Services for Overseas Students Regulations 2001
- Education Services for Overseas Students Act 2000
- Australian Qualification Framework (AQF) and its Policies