

# Deferment, Suspension or Cancellation of a Student's Enrolment (ESOS Specific) Procedure

**Policy Code: SS882**

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## Purpose

Standard 9 of the National Code 2018 allows students, where compassionate or compelling circumstances exist, to defer commencement of studies, take a leave from studies or temporarily suspend their studies during their program. This must be completed through a formal agreement with their registered provider. Students must be advised that deferring, taking leave from studies or temporarily suspending their studies during their program may affect their student visa.

The registered provider may also seek to cancel or suspend the student's enrolment for disciplinary reasons.

This procedure outlines the circumstances for the application, assessment and approval of the deferment, suspension, a leave from studies, or cancellation of enrolment, when instigated by either student or the University and subsequent reporting requirements via PRISMS.

## Scope

This Procedure applies to all **international students** studying **on shore** holding a **Student Visa** as a **student** of the **University**. This is irrespective of teaching location or if the program or course is delivered via a Partner Provider.

## Definitions

| Term   | Definition  |
|--|---|
| <b>Cancellation:</b>   | CoE is cancelled. Student must reapply for program if they wish to continue study.  |
| <b>Compassionate or compelling Circumstances*</b><br><b>*Professional judgement to assess each case on its merits:</b> | <ul style="list-style-type: none"> <li>Where a student does not receive their student visa in time to arrive at the University to commence study.</li> <li>Serious illness or injury – where a medical certificate states the student was unable to attend classes.</li> <li>Bereavement of close family members such as parents or grandparents (death certificate should be provided).</li> <li>Major political upheaval or natural disaster in home country requiring emergency travel and this has impacted on the students studies.</li> <li>A traumatic experience i.e. involvement in or witnessing of a serious crime or accident and this has impacted on the student (police or psychologists report to be provided).</li> <li>Where the registered provider was unable to offer a pre requisite course/ unit.</li> <li>Other reasons may be considered but must have documentary evidence to support the claim.</li> </ul> <p><b>Note:</b></p> <ul style="list-style-type: none"> <li>Deferral due to lack of funds is not accepted by Immigration as a compassionate or compelling circumstance to defer for a semester. It is a condition of a student visa that students have access to funds to cover the tuition fees and cost of living for the duration of their student visa.</li> </ul> |
| <b>CoE:</b>  | Confirmation of Enrolment   |
| <b>CUP:</b>  | Centre for University Partnerships  |
| <b>Deferment:</b>  | A request by the student prior to the commencement of study of their program to temporarily postpone study (student initiated).   |
| <b>ESOS:</b>   | Education Services for Overseas Students Act 2000, as amended from time to time.  |
| <b>Extenuating Circumstances:</b>  | <ul style="list-style-type: none"> <li>Is missing.</li> <li>Has medical concerns.</li> <li>Has engaged or threatens to engage in behaviour that is reasonably believed to endanger the student or others.</li> <li>Is at risk of committing a criminal offence.</li> </ul>  |
| <b>School:</b>   | School delivering programs to international students  |
| <b>Immigration</b>   | Department of Home Affairs  |
| <b>Leave from Studies:</b>   | A request by the student to temporarily postpone study after the commencement of their program. (Student initiated).  |
| <b>Partner Provider (PP):</b>  | Educational Institution providing programs and courses of the University through an approved Education Agreement.   |
| <b>PRISMS:</b>   | The Provider Registration and International Student Management System.  |
| <b>Suspension:</b>   | The enrolment of a student in their program of study is suspended for a period of time, after which time the student may recommence study. If student initiated refer to Leave from Studies.  |

## Note:

Suspension of enrolment should not be included in attendance monitoring calculations.

## Actions

**The University's Statutes and Regulations must be read in conjunction with this Procedure.**

Where a decision is made, the student always has the right to appeal this decision using the appeals processes as outlined in the Universities Statues and Regulations. This must always be clearly communicated to the student with the notification of the decision.

Actions required to meet this procedure are outlined in the following sections:

Deferment or Leave from Absence

Withdrawal From All Studies

Suspension of Enrolment (University Initiated)

Cancellation of Enrolment

## Deferment or Leave from Studies

|   | STEPS   | WHO IS RESPONSIBLE? | COMMENTS   |
|---|---|---------------------|--|
| 1 | Request for Leave from Studies for a full semester or longer.<br><br>Deferment request (Refer point 9 & 10) | Student/PP          | <ul style="list-style-type: none"> <li>Must be in writing using the Amend your program status form for Leave from Studies.</li> <li>Additional documentation to support application must be lodged with form.</li> </ul>               |
| 2 | Request for leave is after census date  | Student             | <ul style="list-style-type: none"> <li>Completed Remission of Fees form to be lodged with Amend your program status form for Leave Studies together with additional documentation to support application.</li> </ul>                   |
| 3 | Receipt of Application for Leave from Studies form  | School/PP/CUP       | <ul style="list-style-type: none"> <li>School or PP will provide student with a dated receipt when form lodged.</li> <li>PP will forward form to CUP for assessment. PP may attach PP recommendation to the student's form.</li> </ul> |
| 4 | Assessment for Leave from Studies.  | School/CUP          | <ul style="list-style-type: none"> <li>Approval can only be given in accordance with defined compassionate or compelling circumstances.</li> <li>Where a student wishes to take a break from their studies but</li> </ul>              |

|    | STEPS   | WHO IS RESPONSIBLE? | COMMENTS  |
|----|---|---------------------|---|
|    |   |                     | <p>does not have compassionate or compelling circumstances the student will need to withdraw and re-apply when they are ready to return to study.</p> <ul style="list-style-type: none"> <li>School may delegate approval for PP to assess applications for short term leave from studies. Refer <b>Short term leave from studies</b> below.</li> </ul>   |
| 5  | Approval / Decline of Leave of Studies.   | School/CUP          |   |
| 6  | Notification is provided to Student of decision.  | School/CUP          | <ul style="list-style-type: none"> <li>Records to be maintained of the provision of notification and information provided to student.</li> <li>If student is studying at Partner Provider location a copy of the letter sent to student must be provided to PP.</li> <li>Information provided to student to include: their visa may be affected as a result of the Leave of Studies and Immigration contact details.</li> <li>Immigration will advise the student if they are required to leave the country while on approved leave.</li> </ul> |
| 7  | Approved signed form is sent to Student HQ<br><br>and<br><br>copy of form sent to CUP/PP after approval or decline by school. | School/CUP          | <ul style="list-style-type: none"> <li>The School/CUP retains a copy of the form.</li> </ul>  |
| 8  | Form is processed in Student Management System.   | Student HQ          | <ul style="list-style-type: none"> <li>Processed form is kept by Student HQ.</li> </ul>   |
| 9  | Change to CoE reported via PRISMS.  | CUP/ PP             | <ul style="list-style-type: none"> <li>CUP / PP retains a copy of the form in the student's file.</li> </ul>  |
| 10 | Deferment of commencement of program  | Student             | <ul style="list-style-type: none"> <li>Students requesting a deferment due to not receiving their student visa in time to commence their program for the current semester or other compassionate or compelling reasons will contact the CUP/PP and request a new CoE for the following semester.</li> </ul>   |

|    | STEPS              | WHO IS RESPONSIBLE? | COMMENTS   |
|----|--------------------|---------------------|--|
| 11 | Deferment approved | CUP/PP              | <ul style="list-style-type: none"> <li>CUP or PP will contact School for approval (if applicable). When approved CUP/PP will issue a new offer &amp; acceptance agreement and re-issue a CoE with new commencement date. The new commencement date will be recorded in the Student Management System.</li> </ul> |

## Note:

- Students can take a leave from studies if there are no courses/units they can study in the relevant study period as this is considered to be a compelling circumstance.
- Students should check with Immigration before applying for leave of studies. In most cases students will be required to go back to their home country while on leave from studies.
- Students leave will be assessed per semester. Leave approved especially for more than one semester may not be recognised by Immigration and it may act to cancel the student's visa.

## Short term leave from studies

Short term leave from studies is leave that will normally not affect the length of a student's visa.

Returning students who wish to enrol or commence classes after the last date allowed for the semester, must apply for leave from studies and have the leave approved prior to commencement of the semester unless circumstances, out of the control of the student, prevent this from occurring. Student Administration at the Partner Provider teaching locations will inform students of the last date to enrol for the semester.

Students who wish to take leave from studies during a semester eg. leave to return to home country for two weeks, must apply for leave from studies prior to taking leave unless circumstances out of the control of the student prevents this from occurring.

When assessing a Short Term Leave From Studies application School/PP must consider the number of classes the student will miss during the leave from studies period and how it will affect the student's results at the end of the semester. If it is assessed that a student will require Special Consideration as a consequence of the approved Leave from Studies request, a Special Consideration form should be lodged at the same time as the Leave from Studies request.

Assessment of a Short Term Leave From Studies application is assessed under the compassionate or compelling definition. It is not necessary for Student HQ to make changes in Campus Solutions unless advised at a later date by CUP/PP that the student did not return to study in current semester. Copy of approved form or letter must be held in student's file. If applicable CUP/PP will record leave on CoE via PRISMS.

## Withdrawal from All Studies

|    | STEPS                       | WHO IS RESPONSIBLE? | COMMENTS  |
|----|-----------------------------|---------------------|---|
| 1. | Withdrawal from All Studies | Student             | <ul style="list-style-type: none"> <li>Must be in writing using Amend your program status form for Withdrawal from all Studies..</li> </ul> |

|    | STEPS  | WHO IS RESPONSIBLE? | COMMENTS   |
|----|--|---------------------|--|
|    |  |                     | <ul style="list-style-type: none"> <li>Student must have form signed by CUP/PP representative.</li> </ul>  |
| 2  | Withdrawal is after census date  | Student             | <ul style="list-style-type: none"> <li>Completed Remission of Fees form to be lodged with Amend your program status form for Withdrawal from all Studies together with additional documentation to support application.</li> </ul> |
| 3. | Student presents form for signing at CUP/ PP.  | Student/CUP/PP      | <ul style="list-style-type: none"> <li>CUP/PP sign form and keeps a copy.</li> </ul>   |
| 4. | Student lodges form at School or for students studying at PP with the Academic Coordinator   | Student/School/PP   | <ul style="list-style-type: none"> <li>School/PP sign form and provides a copy to the student</li> </ul>   |
| 5. | School lodges form at Student Management for processing. For students studying at a PP location the PP will forward the form to CUP for lodging with Student Management. | School/PP           |  |
| 6. | Student HQ processes withdrawal according to date student has entered on form.   | Student HQ          |  |
| 7. | CUP/PP cancel students enrolment in program via PRISMS from the date listed on withdrawal form.  | CUP/PP              | <ul style="list-style-type: none"> <li>Copy of withdrawal form with date reported on PRISMS filed in student's file.</li> </ul>  |

**Note:**

Students should check with Immigration before withdrawing from all studies.

## Suspension of Enrolment (University initiated)

|    | STEPS  | WHO IS RESPONSIBLE?                      | COMMENTS   |
|----|--|--|--|
| 1. | Action / Decision applicable Statute or Regulation.  | School                                   | <ul style="list-style-type: none"> <li>Refer to <a href="#">University Statutes and Regulations</a>.</li> </ul>  |
| 2. | <p>Written notification to student of the decision to suspend them from their studies.</p> <p>Advice must include:</p> <ul style="list-style-type: none"> <li>20 working days to access University's Appeals Process;</li> <li>Suspension may impact on student's visa;</li> </ul> | As per applicable Statute or Regulation. | <ul style="list-style-type: none"> <li>Suspension cannot take effect until the internal appeals process is completed unless extenuating circumstances relating to the welfare of the student or other students apply.</li> <li>Correspondence to students in regard to appeals and appeal outcomes must be sent to selected address on appeal form.</li> </ul> |

|    | STEPS  | WHO IS RESPONSIBLE?  | COMMENTS  |
|----|--|----------------------|---|
| 3. | Notify CUP of the suspension within 7 days of the appeal period passing or any appeal finding in favour of the origin decision to suspend. | Discipline Committee | <ul style="list-style-type: none"> <li>Students who choose to appeal to the Ombudsman Victoria must do so within 10 working days of date of letter and must notify CUP their lodgement reference number. Students suspended for discipline reasons do not need to be enrolled during the external appeals process and their suspension may be reported to Immigration.</li> </ul> |
| 4. | Report student via PRISMS to Immigration that the student's enrolment is suspended.  | CUP                  |   |

## Note:

The above procedure for Suspension of Enrolment (University initiated) is for discipline reasons.

Procedures for Suspension of Enrolment (University initiated) for academic reasons is covered under *FedUni's Standard 8 – [Monitoring Course Progression Procedure](#)*.

## Cancellation of Enrolment

|    | STEPS  | WHO IS RESPONSIBLE?                      | COMMENTS  |
|----|--|--|---|
| 1. | Action as per above applicable Statute or Regulation.  | School                                   | <ul style="list-style-type: none"> <li>Refer to <a href="#">University Statutes and Regulations</a>.</li> </ul>   |
| 2. | Written notification to student of the decision to cancel enrolment.<br><br>Advice must include: <ul style="list-style-type: none"> <li>20 working days to access the University's Appeals Process;</li> <li>Suspension may impact on student's visa;</li> </ul> | As per applicable Statute or Regulation. | <ul style="list-style-type: none"> <li>Cancellation cannot take effect until the internal appeals process is completed unless extenuating circumstances relating to the welfare of the student or welfare of other students apply.</li> <li>Correspondence to students in regard to appeals and appeal outcomes must be sent to selected address on appeal form.</li> </ul> |
| 3. | Notify CUP of the cancellation within 7 days of the appeal period passing or any appeal finding in favour of the origin decision to cancel.  | Student Discipline Committee             | <ul style="list-style-type: none"> <li>Students who choose to appeal to the Ombudsman Victoria must do so within 10 working days of date of letter, and must notify CUP their lodgement reference number. Students whose enrolment is cancelled for disciplinary reasons do not need to be enrolled during the external appeals process and their</li> </ul>                |

|    | STEPS   | WHO IS RESPONSIBLE? | COMMENTS                                  |
|----|---|---------------------|---|
|    |   |                     | exclusion may be reported to Immigration. |
| 4. | Report student via PRISMS to Immigration that the student's enrolment is suspended. | CUP                 |   |

## Note:

The above procedure for Cancellation of Enrolment is for disciplinary reasons.

Procedures for Cancellation of Enrolment (University initiated) for academic reasons is covered under FedUni's *Standard 8 – [Monitoring Course Progression Procedure](#)*.

## Responsibilities

Specific responsibilities for are included under Actions.

- CUP
- School
- Partner Provider
- Student Management

## Policy Base

- [ESOS Act 2000](#)
- [The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 \(The National Code\)](#).
- [University Statutes and Regulations](#).

## Associated Documents

- [Student Appeal Procedure](#).

## Forms/Record Keeping

| Title  | Location     | Responsible Officer | Minimum Retention Period           |
|--|--------------|---------------------|------------------------------------|
| <b>Application for Deferment, Suspension or Leave of Studies</b>               | Student File | School/PP           | 7 years after completion of course |
| <b>Evidence of Assessment of applications for deferment, suspension or LOA</b> | Student File | School/PP           | 7 years after completion of course |
| <b>Evidence of Approval / Rejection of Application</b>                         | Student File | School/PP           | 7 years after completion of course |
| <b>Evidence of information provided to student informing</b>                   | Student File | School/PP           | 7 years after completion of course |



| Title   | Location | Responsible Officer | Minimum Retention Period |
|---|----------|---------------------|--------------------------|
| them of possible changes to their student visa. |          |                     |                          |

## Implementation

This Procedure will be implemented using the following strategies:

1. An Announcement Notice the FedNews website; and
2. Inclusion in the University's online Policy Library.