

STANDARD 9 – DEFERRING, SUSPENDING OR CANCELLING THE OVERSEAS STUDENTS ENROLMENT POLICY & PROCEDURE

Policy - Deferring, suspending or cancelling overseas enrolment	Version #	v2.1	Effective Date	Oct 2020	Issued Date	Nov 2018	Created for	PIVOTAL EDUCATION RTO 90272 CRICOS - 03872E	Page 0
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PURPOSE

The purpose of this policy and procedure is to assess, approve and record any deferment, suspension or cancellation of study during enrolment. It also complies with the requirements of Standard 9 of the National Code 2018 for Deferring, suspending or cancelling the overseas student's enrolment.

SCOPE

This policy applies to all international students enrolled to study a Vocational Education and Training program at Pivotal Education.

LEGISLATIVE CONTEXT

- The ESOS Act 2000
- Education Services for Overseas Student (ESOS) Regulations 2001
- The National Code 2018
- National Vocational Education and Training Regulator Act 2011
- Standards for Registered Training Organisations (RTOs) 2015

POLICY

Pivotal Education will assess, approve and record any deferment, suspension or cancellation of study during enrolment efficiently.

- Pivotal Education will only defer, suspend or cancel the enrolment of an overseas student on the following grounds.
 - Compassionate or compelling circumstances of the student
 - Non-payment of tuition fee
 - Student misconduct
 - Non-Commencement of studies
 - Withdrawal from studies
 - Extenuating circumstances relating to the welfare of the student
- Student will be advised before the enrolment, during orientation and during the course of the grounds on which their enrolment may be deferred, suspended or cancelled.
- Pivotal Education informs the student about the consequences of deferment, suspension or cancellation which may affect their student visa.
- Pivotal Education allows a time of 20 working days for the student to appeal against the decision.
- If a student appeals against the decision to defer, suspend or cancel his/her studies, Pivotal

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Education will maintain student enrolment and will not notify Department of Home Affairs of a change to the enrolment status until the complaints and appeals process is complete.

- When the student's deferment, suspension or cancellation is confirmed, Pivotal Education will inform Department of Home Affairs via PRISMS as soon as practicable and update student, student file and student management system (VETtrak) accordingly.

Notes:

1. Student may choose to apply for leave of absence without extending the CoE if the duration of leave period is equal or less than remaining Scheduled Holiday Break of the course and the student agrees to undertake extra course load in future study terms or study during holiday break(s) to complete the pending units.
2. Student may request for refund of the fee. Pivotal Education assesses the application as per student written agreement/refund policy.
3. Only the Principal will consider the retrospective deferment cases where unusual / extreme compelling circumstances exists.

COMPASSIONATE OR COMPELLING CIRCUMSTANCES

Pivotal Education may grant deferment or suspension of student enrolment on the ground of Compassionate or Compelling Circumstances. They are generally beyond the control of the student and have an impact on the student's course progress or wellbeing. 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;
- Serious illness / Bereavement of close family members such as parents or grandparents (Medical certificate is mandatory; a death certificate should be provided where possible);
- 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);

The following situations would be considered compelling circumstances only in regards to this policy and could support deferral or suspension of studies

- Student unable to secure a pre-requisite unit/course
- Delay in grant of student visa by DEPARTMENT OF HOME AFFAIRS.

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

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TERMINATION OF STUDIES IN EXTENUATING CIRCUMSTANCES

Pivotal Education may initiate an immediate suspension or cancellation of student enrolment on the ground of extenuating circumstances. In the case of extenuating circumstances Pivotal Education will not wait for the outcome of internal or external appeal and will report the change in student enrolment to Department Of Home Affairs via PRISMS. Extenuating circumstances may include, but are not limited to the following. The student:

- is missing;
- has medical concerns, severe depression or psychological issues which lead the provider to fear for the student's wellbeing;
- has engaged or threatens to engage in behavior that is reasonably believed to endanger the student or others; or
- is at risk of committing a criminal offence.

Any claim of extenuating circumstances will need to be supported by appropriate evidence

STUDENT MISCONDUCT

Pivotal Education has the ability to suspend a student's enrolment on the grounds of misbehavior. This misbehavior may include but is not limited to acts of discrimination, sexual harassment, and vilification or bullying as well as acts of cheating or plagiarism. Such acts of misbehavior will be classified into one of two categories.

- Academic misconduct
- General misconduct

ACADEMIC MISCONDUCT

The following gives an indication to the types of behavior that constitute 'Academic Misconduct' within Pivotal Education Assessments:

- Student must not bring any materials into the assessment venue other than those specified for that assessment.
- Student must not use computer software or other devices during an assessment other than those specified.

Other assessment misconduct criteria - A student may be excluded from a final assessment in a unit for any of the following reasons:

- Unauthorized absence from class.
- Failure to meet unit requirements, for example non-submission of assessments.

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- Student 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.
- Student 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, student must not prepare an assignment collaboratively and then submit work that is substantially the same as another student's assessment.
- Student must not ask another person to produce an assessable item for them.

GENERAL MISCONDUCT

General misconduct is where a student acts dishonestly, harasses other students or staff; interferes with students or staff; prevents or disrupts learning; disobeys/fails to comply with contractual or legal requirements; misuses, damages or steals an Pivotal Education property or the property of others; alters/defaces Pivotal Education documents or records; prejudices the good name of Pivotal Education, or otherwise acts in an improper manner.

The following examples indicate the kinds of behavior which constitute student misconduct. They are for illustrative purposes and are not intended to be exhaustive. Student misconduct occurs when a student:

- Contravenes any rules or acts;
- Prejudices the good name or reputation of Pivotal Education;
- Prejudices the good order and governance of Pivotal Education or interferes with the freedom of other people to pursue their studies, carry out their functions or participate in the life of Pivotal Education
- Fails to comply with conditions agreed in the contract;
- Wilfully disobeys or disregards any lawful order or direction from Pivotal Education personnel;
- Misbehaves in a class, meeting or other activity under the control or supervision of Pivotal Education, or on Pivotal Education premises or other premises to which the student has access as a student of Pivotal Education;
- Obstructs any member of staff in the performance of their duties;
- Acts dishonestly in relation to admission to Pivotal Education;
- Knowingly makes any false or misleading representation about things that concern the student as a student of Pivotal Education or breaches any of Pivotal Education rules;
- Alters any documents or records;

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- Harasses or intimidates another student, a member of staff, a visitor to Pivotal Education, or any other person while the student is engaged in study or other activity as an Pivotal Education 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 Pivotal Education;
- 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 Pivotal Education premises while acting as an Pivotal Education 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 Pivotal Education or for which Pivotal Education is responsible; or
- Is guilty of any improper conduct.

Where a student has been identified with Academic or General Misconduct Pivotal Education shall ensure the following:

- Student must be treated fairly, with dignity and with due regard to their privacy.
- Student are to be regarded as innocent of the alleged misconduct until they have either admitted to it or been found by proper inquiry by Pivotal Education 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 penalized more leniently than subsequent instances of misconduct.
- Students are able to access the Complaints and Appeals procedure if they feel that the decision is unfair or they have other grounds to appeal the decision. Student has 20 working days to access the complaints and appeals process.

Any penalties Pivotal Education can impose are subject to the inclusion of this provision in the student written agreement with Pivotal Education.

- Academic Misconduct could include a warning, deemed NYC in the unit, or suspension of enrolment
- Temporary exclusion from Pivotal Education in the form of suspending enrolment for a period of time. Department of Home Affairs' policy is that if a student's enrolment is suspended for a period of 28 days or longer, 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 Department Of Home Affairs where the severity of misconduct is severe, Pivotal Education may decide to cancel the enrolment.

NON-PAYMENT OF FEES

Students must pay their fees on time according to the payment schedule supplied by Pivotal

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Education. Pivotal Education has the right to cancel and report a student's enrolment to Department Of Home Affairs if a student has non-payment of fees.

Pivotal Education will follow the below procedures prior to cancelling a student's enrolment due to non-payment of fees:

1. **Payment Friendly Reminder** – This will be sent to the student's nominated email address two weeks prior to the due date.
2. If no payment is received by the due date, **Final Warning Letter** will be sent on the due date. Student will have 5 working days from the date the Final Warning Letter sent to pay their outstanding fees (a courtesy phone call will be made to the student and student's agent reminding that the fees are overdue).
3. If the payment is still not made by the student, **Intention to Report** Letter will be sent to the student. Student will have 20 working days to respond to this letter either by paying the outstanding fee or making an appeal to Pivotal Education.
4. If no payment is received or student does not appeal against the Intention to Report Letter, Pivotal Education will cancel and report the student's enrolment to the DEPARTMENT OF HOME AFFAIRS.

NOTIFYING THE STUDENT TO - DEPARTMENT OF HOME AFFAIRS VIA PRISMS

Where Pivotal Education decides to defer suspend or cancel the student's enrolment, Pivotal Education 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 Department Of Home Affairs website (www.homeaffairs.gov.au), helpline (02) 61960196 or local DEPARTMENT OF HOME AFFAIRS office for advice.
- Notify the DEPARTMENT OF HOME AFFAIRS 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.

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

- Pivotal Education will notify the Department of Home Affairs 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 i.e. the student's CoE status will still be listed as 'studying'.
- Pivotal Education will notify the Department of Home Affairs 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 create a new CoE with a more appropriate end date. If Pivotal Education does not know when the student will return, it will choose not to create a new CoE at that point, but to wait until the student has notified of the intended date of return before creating the new CoE.

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- Pivotal Education will notify the DEPARTMENT OF HOME AFFAIRS 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'.

Regardless of the reason, if an overseas student's enrolment is deferred or suspended the period of suspension of enrolment as entered in PRISMS should not be included in attendance monitoring calculations.

APPEALS

- If the student disagrees with Pivotal Education's decision to defer, suspend or cancel the enrolment, Pivotal Education provides a period of 20 working days to the student to appeal against it as per its complaints and appeals policy and procedures – Standard 10.
- Pivotal Education will maintain the student enrolment and will not notify the Department Of Home Affairs until the appeal process is complete.
- Pivotal Education can suspend or cancel a student's enrolment prior to the completion of the appeals process if there are extenuating circumstances relating to the welfare of the student.
- Student may refer to Pivotal Education's Complaints and Appeals Policy for more information on appeals.

GENERAL PROCEDURES

<p>CEO/Principal,</p> <p>Compliance Manager,</p> <p>Academic Coordinator,</p> <p>Student Intervention Officer, Student Services Officer, Admin staff, Trainers and Students</p>	<ul style="list-style-type: none"> • International students will be advised during orientation and during the course of the grounds on which their enrolment may be deferred, suspended or cancelled. They will be further advised that it is their responsibility to apply for deferment or suspension on time. • Overseas students must sign the acknowledgement of completion of an Orientation to confirm they understand various policies and their rights and responsibilities as it relates to their enrolment at the Pivotal Education. • Signed document is kept in the student file. • All Pivotal Education staff dealing with overseas students participates in an information session which includes the contents of this policy. • The copy of this policy will be made accessible on Pivotal Education's Server - ESOS Policy folder to all Pivotal Education staff.
<p>Student requests deferral or suspension</p>	

Student	<ul style="list-style-type: none"> Where the student wishes to defer the commencement of studies or suspend Studies then the student must complete the Leave of Absence form which is available from Student Services or from Pivotal Education's website and submit it to Student services in the campus or email Pivotal Education along with the documentary evidences to support the application.
Student Services Officer/ Student Intervention Officer/Student Welfare Officer	<ul style="list-style-type: none"> Reviews request for compassionate or compelling circumstances as defined above. If required meet with or speak with the student to make correct judgment. Advises student that change in enrolment due deferment, suspension or cancellation may affect their student visa. Uses professional judgment and assess each case on its individual merits and documentary evidences.
Principal/Student Services Officer	<p>Where the student is granted deferral or suspension of studies:</p> <ul style="list-style-type: none"> Decides length of suspension and ensure that student will be able to recommence their studies on decided date. Notifies student in writing that their student deferral or suspension has been approved and student must contact Department of Home Affairs as soon as possible. The letter can be mailed to the last known address of the student/ emailed or personally handed to the student. Notifies Department of Home Affairs via PRISMS of the change of enrolment: <ul style="list-style-type: none"> If required, issue a new CoE with new finishing date Files all documentation on the student's file and records in VETtrak.
Pivotal Education recommends deferral or suspension	
CEO/Principal, Compliance Manager, Academic Coordinator, Student Intervention Officer, Student services Officer, Student Welfare staff, Admin staff, Trainers and Students	Student misconduct has been notified to the Pivotal Education Staff.
Student Services Officer/ Student Intervention Officer/Student Welfare Officer/Compliance Manager/Academic	<ol style="list-style-type: none"> Where the student has demonstrated academic or behavioural misconduct as defined in this policy: <ul style="list-style-type: none"> Schedule a meeting with the student as soon as practicable and advise him or her of the breach of the conduct. If the decision is made at that time to suspend or cancel the student's enrolment, provide student with a decision letter to suspend or cancel student's enrolment.

Coordinator/Principal/CEO	<ul style="list-style-type: none"> Advise student of appeals process and that change in his/her enrolment may affect his/her visa. <p>2. Where the student has not commenced studies, withdraws from the course, or extenuating circumstances relating to the welfare of the student applies then Pivotal Education is not required to notify the student of its intent to cancel the student's enrolment.</p>
Principal/Student Services Officer	<p>If the student has chosen to access the complaints and appeals process within the twenty (20) working day period i.e. internal and/or external, and the appeals process is finalised and the student's appeal has been upheld</p> <ul style="list-style-type: none"> The student will not be reported to Department of Home Affairs The student will be advised of the appeal process outcome as per Pivotal Education's complaints and appeals policy. <p>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 Pivotal Education's decision to suspend or cancel the student's enrolment:</p> <ul style="list-style-type: none"> The change in enrolment of the student is reported to Department of Home Affairs via PRISMS as soon as practicable. The decision letter is mailed/Emailed to the student. Relevant training and administration staff is notified of student's status. <p>Records of all attempts made to contact the student, including telephone calls, SMSs, application forms, warning letters, counselling notes, medical certificates, any other documentary evidence, evidence of assessment, Letter of Intention to report, appeal documents, decision letter must be documented and kept on the student's file and uploaded onto the VETtrak.</p>

DEFINITION

CoE	Confirmation of Enrolment
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Department Of Home Affairs	Government Department
DOE	Department of Education and Training
PRISMS	Provider Registration and International Students Management System
Overseas Student	A person (whether within or outside Australia) who holds a student visa issued under the <i>Migration Act 1958</i>
Student	Refers to overseas student in this document
Trainer	Trainer represents teacher, assessor or tutor.
CEO	Chief Executive Officer (CEO)
Defer	To postpone the commencement of a course until a later time
Suspend/Suspension	To stop a student's enrolment or cause the student to be inactive either temporarily or permanently
Cancel	It is the permanent termination of the student's enrolment and the student's CoE status will be listed as "cancelled"
Withdrawal	<p>Student who has not completed his/her course and does not return to studies after a scheduled holiday break or have applied for cancellation of his or her enrolment to go back to their home country permanently.</p> <p>Pivotal Education will notify Department Of Home Affairs via PRISMS of 'student notified cessation of studies' to cancel the student's enrolment.</p>
Internal Appeal	Submission by a student to have a matter heard and/or reconsidered by Pivotal Education
External Appeal	Submission by a student to have a matter heard and/or considered by the nominated external bodies if the internal appeal has been declined.
VETtrak	Pivotal Education's Student Management System

POLICY REVIEW

This policy will be reviewed as part of the Pivotal Education's one-year policy review cycle or as required by the regulatory changes.

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