

Deferring and Suspending International Student Enrolment (Irrespective of study location in Australia)

Document type:	Operating Procedure
Administering Entity:	English Language and International Services
Records management system number:	D07/28526
Date approved:	May 2011
Approved by:	Director, English Language and International Services
Indicative time for review:	June 2013, or earlier if necessary
Responsibility for review:	Director, English Language and International Services
Related policies or other documents:	Student Behavioural Misconduct Rules (UNE Policies) Compassionate and Compelling Circumstance (Guidelines) (ELIS Website) Student Appeal Policies (UNE Policies) International Student Complaints and Appeals Procedures (ELIS Website)

Rationale and Scope

The revised National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (National Code 2007) requires UNE to demonstrate its compliance with the National Code 2007 at the point of CRICOS registration and throughout its CRICOS registration period.

This compliance requirement also applies to courses delivered in association with another provider where UNE is the registered provider. UNE is responsible for breaches of the National Code, whatever the nature of its contractual or other arrangements with another provider.

Under **Standard 13** of the National Code 2007 UNE may only enable students to defer or temporarily suspend their studies, including granting a leave of absence, during the course through formal agreement in certain limited circumstances.

UNE must have in place documented procedures for assessing, approving and recording a deferment of the commencement of study or suspension of study for the student, including keeping documentary evidence on the student's file of the assessment of the application.

UNE can only defer or temporarily suspend the enrolment of the student on the grounds of:

- compassionate or compelling circumstances (for example, illness where a medical certificate states that the student is unable to attend classes); or
- misbehaviour by the student.

UNE must:

- inform the student that deferring, suspending or cancelling his or her enrolment may affect his or her student visa; and
- notify the Secretary of DEEWR via PRISMS as required under section 19 of the ESOS Act where the student's enrolment is deferred, temporarily suspended or cancelled

UNE must inform the student of its intention to suspend or cancel the student's enrolment where the suspension or cancellation is not initiated by the student and notify the student that s/he has 20 working days to access the registered provider's internal complaints and appeals process as per Standard 8.1. If the student accesses UNE's internal complaints and appeals process, suspension or cancellation of the student's enrolment under this standard can not take effect until the internal process is completed, unless extenuating circumstances relating to the welfare of the student apply.

Principle

1.1 Grounds for deferring or temporarily suspending the enrolment of UNE students irrespective of study location in Australia

- 1.1.1 UNE will defer or temporarily suspend the enrolment of the student where the student:
- is approved to take a leave of absence within UNE's Compassionate and Compelling Circumstances Guidelines; or
 - has requested a voluntary suspension of at least one Teaching Period; or
 - is found guilty of misconduct as defined in the UNE Student Behavioural Misconduct Rules; or
 - where the student is deemed to have failed to comply with any applicable standards of conduct, statutes, regulations, policies and procedures of the University which provide for enrolment deferral, suspension or cancellation as an outcome of such failure to comply.

1.2 Recommencing Studies after a period of Deferment or Suspension

- 1.2.1 Studies can only be undertaken after a period of deferment following formal notification to UNE of the student's intention to take up the deferred place.

- 1.2.2 Studies can only be undertaken after a period of voluntary suspension following formal notification to UNE of the student's intention to recommence their studies.

1.3 Impact of Deferment, Suspension or Cancellation of Enrolment on Student Visas

- 1.3.1 UNE is responsible for advising students that any deferment, suspension or cancellation of enrolment may impact on the validity of their student visa.

- 1.3.2 If a student's enrolment is suspended for a period of 28 days or longer, the student must return to his/her country of permanent residence, unless special circumstances exist (see UNE Compassionate and Compelling Circumstance Guidelines).

1.4 Deferring, Suspending and Cancelling Enrolment of a student Under 18

- 1.4.1 Where the enrolment of an under 18 student is terminated, suspend or cancelled, UNE is obliged to continue monitoring the care arrangements for that student until:
- the student is accepted by another registered provider and that registered provider takes over responsibility for approving the student's accommodation, support and general welfare arrangements;
 - the student leaves Australia;
 - other suitable arrangements are made that satisfy the Migration Regulations; or
 - UNE reports that it can no longer approve of the arrangements for the student.

1.5 Status during the Complaints and Appeals Process

- 1.5.1 If the student accesses UNE's internal complaints and appeals process, suspension or cancellation of the student's enrolment cannot take effect until the internal process is completed, unless extenuating circumstances relating to the welfare of the student apply.

Procedure

2. Student Instigates a Period of Deferment or Suspension

2.1 Prior to Enrolment - Student lodges a letter of request, with supporting documentation as required, with:

- a) Manager, International Recruitment and Admissions, International Marketing and Pathways – (all students on campus in Armidale); or
- b) Partnerships Coordinator, Partnerships, via the Partner– (all students studying with a UNE partner in Australia)

After Enrolment – Student lodges a letter of request with supporting documentation as required, with:

- a) Manager International Services and Compliance (MISC), English Language and International Services –(undergraduate and postgraduate by coursework students on campus in Armidale); or
- b) Higher Degree Research Officer, Research Services - (postgraduate by research students on campus in Armidale); or
- c) Partnerships Coordinator, Partnerships, via the Partner– (all students studying with a UNE partner in Australia). The Partner will provide a recommendation to the MISC together with all related documentation.

2.2 The application is assessed against the Grounds for Deferment and Suspension of Enrolment.

2.3 The Manager, International Recruitment and Admissions, MISC, or Higher Degrees Research Officer as appropriate, determines whether the student's request is genuine and if the student's chances of satisfactorily completing the course within the nominated timeframe will be strengthened by permission to suspend studies during the nominated period.

2.3.1 The student is then advised of :

- a) the outcome of the application;
- b) likely impact of the decision on their student visa; and
- c) the requirement to advise UNE of their intention to return to study.

2.3.2 If the student is studying with a Partner, the Partner is advised of the outcome of the request.

A copy of this advice is placed on the student file and on TRIM.

2.4 Where the student's enrolment is deferred, temporarily suspended or cancelled the Manager, International Recruitment and Admissions, Higher Degrees Research Officer or Partnerships Coordinator, advises the International Services Manager, English Language and International Services (ELIS) of the requirement to notify the Secretary of DEEWR via PRISMS as required under section 19 of the ESOS Act.

2.4.1 The MISC reports the change via PRISMS.

3. UNE Instigates Suspension or Cancellation of a Students Enrolment

- 3.1.1 A student accused of misconduct is subject to the UNE Student Conduct Rules as defined in the UNE Handbook.
- 3.1.2 Should a student be found guilty of misconduct resulting in the suspension or cancellation of their enrolment, and the appeal process has been exhausted, either the Student Disciplinary Committee or relevant UNE Academic Coordinator, as appropriate, advises English Language and International Services (ELIS) of the decision.
- 3.1.3 The MISC, ELIS informs the student of:
- a) UNE's intention to suspend or cancel the student's enrolment;
 - b) the likely impact of the decision on their student visa;
 - c) the right of appeal under the Appeals and Complaints process.

A copy of this advice is placed on the student file.

- 3.1.4 After all rights of appeal are exhausted, the MISC notifies the Secretary of DEEWR via PRISMS as required under section 19 of the ESOS Act where the student's enrolment is deferred, temporarily suspended or cancelled.
- 3.2 A student under the *Show Cause* process, and after all appeals have been exhausted, who has been given a penalty of exclusion or cancellation will:
- a) be notified in writing of the Show Cause process outcome by Student Administration and Services (SAAS);
 - b) SAAS will notify the MISC of the Show Cause outcome;
 - c) The MISC will write to the student:
 - if a suspension to confirm the dates and advise the student of the impact the suspension may have on their Student Visa
 - if a cancellation will issue a Section 20 Notice

Approval Signature



.....
Signature

Director, English Language & International Services

JEANNEAL CREW

.....
Printed Name

10.05.2011

.....
Date