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# Overseas Students: Deferment, Suspension and Cancellation Policy

This policy outlines the processes regarding deferment of commencement or suspension of studies at the request of a student, and suspension or cancellation of enrolment of a student by Cranbrook School (the School).

## Rationale

Standard 9.1 of the *National Code of Practice for Providers of Education and Training to Overseas Students 2018* (National Code) requires the School to have and implement a documented process for assessing, approving and recording a deferment of the commencement of study, or suspension of study, requested by an Overseas Student, including maintaining a record of any decisions relating to this.

Standard 9.2 of the National Code states that the School may defer or suspend the enrolment of an Overseas Student if it believes there are compassionate or compelling circumstances.

Standard 9.3 states that the School may suspend or cancel an Overseas Student's enrolment in certain circumstances, which include, but are not limited to the following:

- Misbehaviour by the Overseas Student;
- The Overseas Student fails to pay an amount they were required to pay the School to undertake or continue the course as stated in the written agreement; or
- There is a breach of course progress or attendance requirements by the Overseas Student, which must occur in accordance with Standard 8 of the National Code.

## Cranbrook School's Policy

An Overseas Student's enrolment can be deferred, suspended or cancelled for different reasons. The Overseas Student may initiate a deferment or suspension on the grounds of compassionate or compelling circumstances. The School may suspend or cancel an enrolment due to student misbehaviour, a failure to pay fees or a breach of course progress or attendance requirements.

Any decision to defer, suspend or cancel an Overseas Student's enrolment must be made in accordance with the requirements of the National Code.

## Deferment of Commencement or Suspension of Student Requested by a Student

### *Deferment of Commencement of Study Requested by a Student*

A deferment occurs when an enrolment is postponed to a future date.

The School will only grant a deferment of commencement of studies for compassionate and compelling circumstances. These are circumstances beyond the student's control and include, but are not limited to:

- Illness or injury, including a mental illness, where a medical certificate states that the Overseas Student was unable to attend classes;
- Bereavement in relation to the death of a close family member such as a parent, sibling or grandparent;
- Major political upheaval or natural disaster in the Overseas Student's home country requiring emergency travel that has impacted on studies; or
- A traumatic experience, which has impacted on the Overseas Student such as being involved in or witnessing a serious accident or crime (these cases where possible should be supported by police or psychologists' reports).

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A deferment of commencement of study may also be granted if there has been a delay in obtaining a Student Visa or any pre-requisite course has not been available.

### ***Suspension of Study Requested by a Student***

A suspension occurs when an enrolment is suspended for a period of time.

Once the Overseas Student has commenced the course, the School will only grant a suspension of study at the request of the Overseas Student for compassionate or compelling circumstances. These are circumstances beyond the Overseas Student's control and include, but are not limited to:

- Illness or injury, including a mental illness, where a medical certificate states that the Overseas Student was unable to attend classes;
- Bereavement in relation to the death of a close family member such as a parent, sibling or grandparent;
- Major political upheaval or natural disaster in the Overseas Student's home country requiring emergency travel that has impacted on studies; or
- A traumatic experience, which has impacted on the Overseas Student such as being involved in or witnessing a serious accident or crime (these cases where possible should be supported by police or psychologists' reports).

### ***Assessing Requests for Deferment of Suspension of Studies***

The final decision for assessing and granting a deferment of commencement or suspension of studies requested by an Overseas Student lies with the Headmaster. Applications will be assessed on their individual merit. The application must provide the School with suitable documentary evidence to support the compassionate and compelling circumstances, which may include a medical certificate.

Applications will be assessed and a decision made within 14 days of receipt of the written request for a deferment or suspension. A written response, including reasons for the decision, will be provided to the Overseas Student and their parents.

The Director of Admissions will record the deferment or suspension in PRISMS. If any deferment or suspension will impact the end date of the Overseas Student's electronic Confirmation of Enrolment (eCOE), a new eCOE will be issued at that time, or at a later point when the Overseas Student's date of return is known.

Retrospective granting of a deferment or suspension of studies will only be granted in unusual circumstances, such as when an Overseas Student has had to return home at short notice for medical care, or where an Overseas Student has had an accident whilst on holidays at home and has not been able to return to School.

Any period of suspension of studies requested by an Overseas Student will not be included in attendance calculations pursuant to the [Overseas Students: Course Progress and Attendance Policy](#).

If the School becomes aware that an Overseas Student has provided fraudulent evidence or documents to support a claim of compassionate or compelling circumstances, the School may decide to suspend or cancel the Overseas Student's enrolment.

All relevant documentation will be kept on the Overseas Student's file, including documentary evidence supporting the request for deferment or suspension and of assessment of the application.

### **Suspension Initiated by the School**

#### ***Short Term Suspension from Class Studies for 1 to 28 Days***

The School may suspend an Overseas Student from class studies on the grounds of misbehaviour by the student. Suspension from class studies will occur as the result of any behaviour identified as resulting in suspension or expulsion from the School either permanently or temporarily in the *Enrolment Terms and Conditions – Overseas Students*.

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Suspended Overseas Students must abide by the conditions of their suspension from studies. These will depend on welfare and accommodation arrangements in place for the Overseas Student and will be determined by the Headmaster.

Where suspended Overseas Students are provided with homework and/or other studies for the period of the suspended, the Overseas Student must continue to meet the academic requirements of the course.

Short Term Suspension from class will not be recorded in PRISMS, nor recorded as absences in attendance calculations pursuant to the [Overseas Students: Course Progress and Attendance Policy](#).

The Overseas Student and their parents will be notified in writing of the School's intention to suspend the Overseas Student from class studies.

All relevant documentation will be kept on the Overseas Student's file.

### ***School Initiated Suspension of Studies for more than 28 Days)***

The School may initiate a suspension of studies for an Overseas Student on the grounds of misbehaviour by the Overseas Student. Suspension will occur as the result of any behaviour identified as resulting in a suspension or expulsion from the School either permanently or temporarily in the *Enrolment Terms and Conditions – Overseas Students*.

Where suspended Overseas Students are provided with homework and/or other studies for the period of the suspension, the Overseas Student must continue to meet the academic requirements of the course.

Overseas Students who have been suspended for more than 28 days and who are boarders will be required to return to their home country unless specific special circumstances exist (for example, the Overseas Student is medically unfit to travel). The Overseas Student must also abide by any other conditions of their suspension, which will be determined by the Headmaster.

If special circumstances exist, there will be additional conditions of their suspension from studies that will depend on the welfare and accommodation arrangements in place for the Overseas Student. These will be determined by the Headmaster.

Suspensions of more than 28 days will be recorded in PRISMS by the Director of Admissions . Suspensions will not be recorded as absences in attendance calculations pursuant to the [Overseas Students: Course Progress and Attendance Policy](#).

The Overseas Student and their parents will be notified in writing of the School's intention to suspend the Overseas Student.

All relevant documentation will be kept on the Overseas Student's file.

### **Cancellation of Enrolment by the School**

The School may cancel enrolment of an Overseas Student under the following conditions:

- Failure to pay course fees;
- Failure to maintain approved welfare and accommodation arrangements (visa condition 8532); or
- Any behaviour identified as resulting in exclusion from the School either permanently or temporarily in the *Enrolment Terms and Conditions – Overseas Students*.

The Overseas Student and their parents will be notified in writing of the School's intention to cancel the Overseas Student's enrolment.

Where the enrolment of an Overseas Student has been cancelled, the Overseas Student has 28 days to enrol in an alternative course or return home.

All relevant documentation will be kept on the Overseas Student's file.

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The School is also required to report a failure to maintain satisfactory course progress and/or a failure to maintain satisfactory attendance to Department of Home Affairs, which will result in automatic cancellation of enrolment. See the [Overseas Students: Course Progress and Attendance Policy](#) for details.

For information about refunds in these circumstances, see the [Overseas Students: Refund Policy](#).

## **Complaints and Appeals**

Overseas Student requested deferment and suspension are not subject to the [Overseas Students: Complaints and Appeals Policy](#).

Exclusion from class studies, School initiated suspension and cancellation of enrolment are subject to the [Overseas Students: Complaints and Appeals Policy](#).

For the duration of the appeals process, the School will maintain the Overseas Student's enrolment, and the Overseas Student is required to maintain enrolment and participation in studies. The Headmaster will determine if participation in studies will be in class or under supervised arrangement outside of classes.

If an Overseas Student appeals the decision regarding a School initiated suspension or cancellation, the suspension or cancellation will not be recorded in PRISMS by the Director of Admissions until the internal complaints and appeals process is finalised, unless extenuating circumstances relating to the welfare of the Overseas Student apply.

The use of extenuating circumstances by the School to suspend or cancel an Overseas Student's enrolment prior to the completion of any internal complaints and appeals process will be supported by appropriate evidence.

Extenuating circumstances will be evaluated by the Headmaster and may include:

- The Overseas Student refuses to maintain approved welfare and accommodation arrangements;
- The Overseas Student is missing;
- The Overseas Student has medical concerns, severe depression or other psychological issues which lead the School to fear for the Overseas Student's well being;
- The Overseas Student has engaged or threatened to engage in behaviour that is reasonably believed to endanger themselves or others;
- The Overseas Student is at risk of committing a criminal offence; or
- The Overseas Student is the subject of investigation relating to criminal matters.

Where extenuating circumstances exist, appropriate documentary evidence will be maintained on the Overseas Student's file.

The Director of Admissions will make the notification of a School initiated suspension or cancellation in PRISMS upon completion of the internal complaints and appeals process, where that process has found in favour of the suspension or cancellation. Whilst the Overseas Student or their parents may appeal the decision externally, the School will not delay notification in PRISMS until the completion of the external appeals process.

The above does not apply in relation to notifications in PRISMS of a failure to maintain satisfactory course progress or a failure to maintain satisfactory attendance. See the [Overseas Students: Course Progress and Attendance Policy](#) for details regarding complaints, appeals and timing of notifications in PRISMS in these circumstances.

## **Student Visa Issues and Impact on eCoE**

Deferment, suspension and cancellation of enrolment can impact an Overseas Student's visa as a result of changes to enrolment status. Overseas Students are informed in the written notification of their deferment, suspension or cancellation to contact the Department of Home Affairs for advice in relation to the potential impact on their student visa.

Where a decision is made to defer, suspend or cancel an enrolment, there are three possible outcomes on an Overseas Student's electronic Confirmation of Enrolment (eCoE):

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- The School records in PRISMS that it is deferring or suspending the Overseas Student’s enrolment for a period without affecting the end date of the eCoE. The notice of deferment or suspension will be recorded in PRISMS but will not change the eCoE, and the Overseas Student will still be listed as studying.
  - The School records in PRISMS that it is deferring or suspending the Overseas Student’s enrolment for a period which will affect the end date of the eCoE. PRISMS will cancel the original eCoE and immediately offer the School the opportunity to create a new eCoE with a more appropriate end date. If the School does not know when the Overseas Student will return, the School can choose to not create a new eCoE at that time, but wait until the Overseas Student has notified the School of their intended return date.
  - The School records in PRISMS that it wants to permanently cancel the Overseas Student’s enrolment. Once the PRISMS notification is complete, the Overseas Student’s eCoE status will be listed as “Cancelled”. If the Overseas Student is under the age of 18, the eCoE cancellation will not cancel the Confirmation of Appropriate Accommodation and Welfare (CAAW) and the School will still be responsible for the welfare arrangements of the Overseas Student until one of the conditions of Standard 5.6 of the National Code is met: see the [Overseas Students: Accommodation and Welfare Policy](#).

### **Accommodation and Welfare**

The School will continue to monitor the suitability of the accommodation and welfare arrangements of an Overseas Student following a suspension or cancellation of enrolment unless:

- The Overseas Student is accepted by another registered provider who takes over the approval responsibility;
- The Overseas Student leaves Australia;
- Other arrangements are made to satisfy the Department of Home Affairs regulations regarding the accommodation and welfare of the Overseas Student such as a parent or other suitable relative taking responsibility; or
- The School advises the Department of Home Affairs that the School can no longer approve of the arrangements for the Overseas Student as events have occurred which have made it impossible for the School to continue to approve these arrangements, as all attempts to assist the Overseas Student to maintain appropriate arrangements have been exhausted and the Overseas Student is refusing to maintain care arrangements the School is able to approve.

As the School does not permit homestay, it will generally be required that the Overseas Student return home or otherwise into the care of at least one parent in Sydney. If there is no other alternative, the Overseas Student will be required to remain living in the Boarding House.

### **Procedural Fairness**

The School is committed to ensuring procedural fairness when considering the deferment, suspension or cancellation of an Overseas Student’s enrolment with the School.

Where a decision to defer, suspend or cancel an Overseas Student’s enrolment is being considered, the Headmaster will:

- Write to the Overseas Student, and the Overseas Student’s parents stating:
  - The reasons that the Student’s enrolment is under consideration for deferral, suspension or cancellation;
  - The relevant rules, policies, and / or standards of behaviour alleged to be breached;
  - The relevant allegations said to warrant suspension or expulsion;
- Allow the Overseas Student and/or the Overseas Student’s parents to provide a response, either in writing or verbally;
- Allow the Overseas Student to have a support person of the Overseas Student’s choosing;

- Arrange a meeting with the Overseas Student, any support person and the Overseas Student’s parents where possible;
- Arrange for an interpreter, if one is required; and
- Ensure that any meetings are documented.

The Overseas Student and their Parents will be informed in writing of the School’s final decision, including that deferring suspending or cancelling an enrolment on any grounds may affect their Student Visa.

### **Record Keeping**

Each decision relating to the enrolment, including evidence of any assessments made by the School and notifications to the Commonwealth Department of Education and Training through PRISMS, is recorded and maintained on the Overseas Student’s file, in accordance with the [Overseas Students: Records Management and Retention Policy](#).

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