

GUIDELINES FOR DEFERRING, SUSPENDING OR CANCELLING A STUDENT ENROLMENT

(National Code Standard 13 - Deferring, suspending or cancelling the student's enrolment)

1. Requirements

Providers must have procedures for assessing, approving and recording suspensions of study. Students must be informed prior to enrolment of grounds for deferral, suspension or cancellation. If a provider suspends or cancels an enrolment, the student must be given 20 working days to appeal this intention before they may be reported. Deferral, suspension or cancellation must be reported to the Department of Education via PRISMS within 14 days of the completion of the appeals process.

Suspension is a temporary cessation of studies (leave of absence), initiated either by student or TAFE NSW, reportable to Department of Education/DIBP through the PRISMS system. Deferral is postponement of commencement of studies to another semester. Cancellation is termination of studies initiated by provider on disciplinary grounds

2. Guidelines

2.1 Suspension (student initiated)

- a. Any period of absence more than two consecutive weeks in a semester is considered a suspension under Standard 13. An absence of two weeks or less must be requested and recorded at college level. Students requesting absences must arrange to catch up on work and assessment tasks that they will miss during the absence, where this is appropriate.
- b. A suspension of studies may be approved only in compelling or Compassionate circumstances, as per guidelines in number 6.
- c. Suspensions are reported to Department of Education/DIBP whether or not they affect the completion date of the course.
- d. Students are advised that suspensions may affect their visa and that they should seek further advice from The Department of Immigration and Border Protection (DIBP).

2.2 Suspension/Cancellation (TAFE NSW initiated)

- a. Students who are excluded for more than two consecutive weeks under the Student Discipline Policy of TAFE NSW are reported as suspended. Students whose enrolment is cancelled under the Student Discipline Policy of TAFE NSW are reported as cancelled. The change of status may be reported to DIBP only after they have been given 20 working days to access the internal appeals process.
- b. Students who are absent from classes without approval for more than two consecutive weeks in a semester may have their enrolment cancelled and be reported to DIBP. They may be reported to DIBP only after they have been given 20 working days to access the internal appeals process.
- c. ELICOS students who are absent from class for more than two consecutive weeks in any 20 week period may have their enrolment cancelled. They may be reported to DIBP only after they have been given 20 working days to access the internal appeals process.

- d. Students who do not pay the tuition fees due for their course and who have not been granted permission for late or partial payment may have their enrolment cancelled. They may be reported to DIBP only after they have been given 20 working days to access the internal appeals process. In the interim, attendance must be maintained in the event the appeal is upheld.

2.3 Deferral

Students who are unable to commence by the approved start date on their ecoe may defer their enrolment to the next available semester. Deferral may be approved on compelling or compassionate grounds.

2.4 Advice to students

Students are informed in their offer of the guidelines in 2.1-2.3 above.

2.5 Records

Records of suspension, deferral and cancellation must be kept on student files and on student systems as appropriate.

PROCEDURES

3. Suspension - student initiated

3.1 Institute Role

- i. Any student wishing to suspend their studies for up to two weeks must request approval from the college international coordinator or English Language Centre manager. The coordinator/manager must ensure that the student has arranged to catch up on the work they will miss during the absence.
- ii. Any student wishing to suspend their studies for more than two consecutive weeks in a semester must apply on the Request for Suspension form to their college international coordinator/manager.
- iii. The coordinator/manager assesses the application according to the guidelines as in number 6 below. The coordinator/manager must ensure that the student has arranged to catch up on the work they will miss during the absence.
- iv. The coordinator/manager completes and forwards the form to the DEC International with a new completion date, if applicable.
- v. The period of suspension is not counted in attendance calculations.

3.2 DEC International Role

- i. DEC International reports the suspension on PRISMS within 14 days as required by the Department of Education guidelines and if necessary issues another eCoE.
- ii. DEC International advises the student that the suspension has been reported and that they should check with DIBP regarding the impact on their visa.
- iii. DEC International also requests the student, if appropriate, to confirm the date of their return to study at least two weeks prior to that date.

4. Suspension/Cancellation - Provider initiated

4.1 Institute Role

- i. Where any of 2.2 (a-c) occur, the Institute international manager or delegate must notify the student of the intent to report them as a suspension or cancellation, as applicable, to the Department of Education/DIBP. The notification includes the advice that they may access the internal appeal process within 20 working days.
- ii. Any internal appeal lodged is managed by the Institute.
- iii. The Institute international manager advises DEC International if the appeal is unsuccessful.
- iv. Where an internal appeal is successful, a report to DEC International is not required, but records of the appeal must be kept at the Institute.

4.2 DEC International Role

- i. Where any of 2.2 (a-c) occur and an unsuccessful appeal is reported to DEC International, DEC International must ensure that the Institute has followed the procedure as per 4.1.
- ii. In the case of 2.2 (d), DEC International sends two reminder letters to students who are to re-enrol but have not paid fees for the semester. In the second week of commencement, DEC International sends a notification of intent to report to the student. For students owing the second instalment, DEC International sends two reminder letters. In the third week after the due date, DEC International sends a notification of intent to report to the student. Students are given 20 working days to access an internal appeal process, through DEC International.
- iii. In all cases where the internal appeal is not accessed within the 20 working day period or is unsuccessful, DEC International reports the suspension/cancellation to the Department of Education/DIBP within 14 days as required by the Department of Education guidelines.
- iv. The student is notified by DEC International of the report and is instructed to check their visa status with DIBP.

5. Deferral of studies

- 5.1 A student who is unable to enrol by the start date of their TAFE NSW course must request a deferral through DEC International. In the case of ELICOS students, advice should be sought from the relevant ELC.
- 5.2 DEC International assesses the student request as per the guidelines in number 6 below and issues another offer for the next semester in which the course is offered and places are available. The offer may be for another college than the first offer.
- 5.3 If the student is under 18 then the care arrangements must be changed in accordance with the new start and end dates.
- 5.4 DEC International issues another eCoE for the new start date.

6. Guidelines for student initiated suspension

Suspensions may be granted for compelling or compassionate circumstances.
(As from the Department of Education Explanatory Guide)

Compassionate or compelling circumstances are generally those 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:

- serious illness or injury, where a medical certificate states that the student was unable to attend classes;

- bereavement of close family members such as parents or grandparents (Where possible a death certificate should be provided.);
- 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 or a report from a TAFE NSW counsellor.) where the registered provider was unable to offer a prerequisite unit; or
- inability to begin studying on the course commencement date due to delay in receiving a student visa.

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

7. Impact of suspension on Student Visa

Once a suspension is reported through PRISMS, any of the following impacts on visas are possible depending on the length:

- i. If the suspension is less than 28 days, no impact on visa (unless an extension of visa is required, which the student must apply for before visa expiry date)
- ii. If the suspension is for 28 days or more but less than six months, DIBP requires student to return home - unless there are exceptional reasons preventing student from travel, e.g. medical reasons. Visa extension as above may apply.
- iii. If the suspension is for a period longer than six months, the visa will be cancelled regardless of reason.

8. DIBP follow up actions

DIBP may follow up reported suspensions to check if:

- i. Grounds for suspension are valid
- ii. Whether student has left Australia if suspension is more than 28 days
- iii. If the student has not left Australia that there are valid reasons.

If DIBP determines that grounds for suspension were not 'validly compassionate or compelling'

- i. visa may be cancelled
- ii. DIBP may report TAFE NSW to the Department of Education as not fulfilling its obligations under the Code.

9. Cancellation (Student initiated): This is not covered by Standard 13

- 9.1 Students who wish to withdraw from their studies must notify their college coordinator.
- 9.2 Coordinator must notify DEC International.
- 9.3 DEC International reports student on PRISMS as having ceased study within 14 days of student's withdrawal from course.