

Deferring, Suspending or Cancelling Overseas Student's Enrolment Policy

Applicable to ESOS Standards 2018: Standard 9

1. Policy

- » Students are able to initiate deferral, suspension or cancellation of their studies during their stay in Australia only in certain limited circumstances as described below.
- » Students may also have their enrolment suspended due to misbehaviour which can also be grounds for cancellation of studies.
- » Students have the right to appeal a decision by Bayside English College to defer, suspend or cancel their studies and Bayside English College will not notify DHA of a change to the enrolment status until the internal complaints and appeals process is completed.

2. Procedures

Student Initiated Deferral, Suspension or Cancellation of Enrolment

Student Deferral

- » A student wishing to defer an enrolment must do so prior to the commencement of the course. Students must complete an 'Application to defer, suspend or cancel enrolment' and submit to the Student Administrations Department.
- » All application for deferral documentation will be kept on the students file and DHA shall be notified via PRISMS of the decision to defer the enrolment as a result of the student's request.

Student Suspension

- » Bayside English College is only able to temporarily suspend the enrolment of the student on the grounds of compassionate or compelling circumstances. 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;
 - » 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)
- » Where Bayside English College is unable to offer a pre-requisite unit
- » Inability to begin studying on the course commencement date due to delay in receiving a student visa.

- » Please Note: The above are only some of examples of what may be considered compassionate or compelling circumstances. The Director of Studies and the Director will use their professional judgment and to assess each case on its individual merits. When determining whether compassionate or compelling circumstances exist, Bayside English College will consider documentary evidence provided to support the claim, and should keep copies of these documents in the student's file.
- » Students will be required to complete an 'Application to defer, suspend or cancel enrolment' form and submit to the Student Administrations Department. Students will also be required to provide evidence of the compassionate or compelling circumstances in their application. (I.e. a medical certificate or police report, etc.)
- » Students who would like to defer their studies must first speak to Student Administration to gain an application form and to ensure they understand the reasons that deferment may be granted. An 'application to defer' form must be completed which will need to be approved by the Director of Studies. This application to defer must include in detail the 'compassionate or compelling circumstances'.
- » Where a suspension of enrolment is granted, Bayside English College will suspend an enrolment for an agreed period of time - to a maximum of 12 months. If the suspension is required for longer than 12 months the student shall have to re-apply once the initial suspension period has expired.
- » DHA's 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 DHA.
- » Students are to be informed in writing of the outcome of their application for suspension and informed that it may affect their student visa.
- » All application documentation for the suspension will be kept on the students file and DHA shall be notified via PRISMS of the decision to suspend the enrolment as a result of the student's request.

Student Cancellation

- » Students wishing to cancel their enrolment must complete an 'Application to defer, suspend or cancel enrolment' and submit to the Student Administrations Department.
- » Students wishing to cancel their enrolment prior to completing 6 months of study in their principle course must provide a letter of offer from an alternative provider.
- » All application documentation for the cancellation will be kept on the students file and DHA shall be notified via PRISMS of the decision to cancel the enrolment as a result of the student's request.

Provider Initiated Deferral, Suspension or Cancellation of Enrolment

Provider Deferral

- » Bayside English College may defer an enrolment where the course is not being offered at the proposed date, site, or any other reason Bayside English College deems necessary to cancel the course. In such cases refunds shall be processed as required or alternative courses offered.

Provider Suspension

- » Bayside English College has the ability to suspend a student's enrolment on the grounds of misbehaviour. This misbehaviour may include but is not limited to acts of discrimination, sexual harassment, vilification or bullying, as well as acts of cheating or plagiarism. Such acts of misbehaviour will be classified into one of two categories – Academic Misconduct or General Misconduct.

Academic Misconduct

- » The following gives an indication to the types of behaviour that constitute 'Academic Misconduct' within Bayside English College:
 - » Assessment breaches such as:
 - Students 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
 - Students 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, students must not prepare an assignment collaboratively and then submit work that is substantially the same as another student's assessment.
 - Students must not ask another person to produce an assessable item for them.
 - » A student may be excluded from a final assessment in a unit for any of the following reasons:
 - unauthorised absence from class
 - failure to meet unit requirements, for example non-submission of assignments or failure to attend class or mid-semester tests
 - academic misconduct

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 Bayside English College's property or the property of others; alters/defaces Bayside English College documents

or records; prejudices the good name of Bayside English College, 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 Bayside English College;
- prejudices the good order and governance of Bayside English College or interferes with the freedom of other people to pursue their studies, carry out their functions or participate in the life of Bayside English College;
- fails to comply with conditions agreed in the contract;
- wilfully disobeys or disregards any lawful order or direction from Bayside English College personnel;
- refuses to identify him or herself when lawfully asked to do so by an officer of Bayside English College;
- fails to comply with any penalty imposed for breach of discipline;
- misbehaves in a class, meeting or other activity under the control or supervision of Bayside English College, or on Bayside English College premises or other premises to which the student has access as a student of Bayside English College;
- obstructs any member of staff in the performance of their duties;
- acts dishonestly in relation to admission to Bayside English College;
- knowingly makes any false or misleading representation about things that concern the student as a student of Bayside English College or breaches any of Bayside English College's rules;
- alters any documents or records;
- harasses or intimidates another student, a member of staff, a visitor to Bayside English College, or any other person while the student is engaged in study or other activity as a Bayside English College 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 Bayside English College;
- 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 Bayside English College premises while acting as a Bayside English College 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 Bayside English College or for which Bayside English College is responsible; or
- is guilty of any improper conduct.

» Where a student has been identified with Academic or General Misconduct the Director of Studies shall be informed and will make a decision on the penalty and the severity of the penalty. The Director of Studies may take into account the type of misconduct that has occurred and the level of misconduct that occurred when deciding penalties.

» Where a student has been identified with Academic or General Misconduct Bayside English College shall ensure the following:

- Students must be treated fairly, with dignity and with due regard to their privacy
- Students are to be regarded as innocent of the alleged misconduct until they have either admitted to it or been found by proper inquiry by the Director of Studies 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 penalised 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.

» The penalties the Director of Studies can impose are:

- Academic Misconduct could include a warning, a reduction in grades, receiving zero for an assessment, or suspension of enrolment
- A charge for any costs that the general misconduct may have caused
- Temporary exclusion from Bayside English College in the form of suspending enrolment for a period of time.

» Where a student's enrolment is suspended a letter will be sent to the student indicating them of the suspension and the length of suspension. Students are also required to be informed how to access to complaints and appeals policy and procedure and that they have 20 working days to submit any appeal against the decision.

» DHA's policy if a student's enrolment is suspended for a period of 28 days or longer, is that 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 DHA.

» Where the severity of misconduct is severe, the Director of Studies may decide to cancel the enrolment (see below).

Provider Cancellation

- » In some cases where the student's misconduct is severe, Bayside English College has the right to cancel the enrolment.
- » Where the Director of Studies has decided the misconduct is severe enough for cancellation the following must occur:
 - The student must be informed in person (where possible), and in writing of the decision of Bayside English College to cancel the student's enrolment
 - They must be informed of the fact they have the right to appeal the decision by accessing the relevant procedures and completing this appeal within 20 days of the notification
 - Students must also be informed that Bayside English College is obliged to inform DHA via PRISMS after the 20 day period and that they will be at risk of having their Visa cancelled

Recording and reporting deferrals, suspension or cancellation of enrolments

- » All applications of deferment and outcomes are to be kept on the students file.
- » All reports of misconduct, decisions and actions taken in relation to misconduct, and other related documentation must be kept on file.
- » Any decisions to initiate deferral, suspension or cancellation of an enrolment must be reported to DHA via PRISMS.
- » Students are to be kept informed of any decisions or outcomes that relate to a deferment, suspension, or cancellation of enrolments.
- » All students are to be given the opportunity to access the complaints and appeals procedure before reporting any provider initiated suspensions or cancellations of enrolments via PRISMS occurs. The students have 20 days to lodge an appeal.
- » Where a student decides to access this procedure within 20 days of notification Bayside English College must wait until the process has finished before going ahead with the reporting of the student's enrolment changes via PRISMS.