



## INTERNATIONAL STUDENTS DEFERRAL, CANCELLATION AND SUSPENSION OF STUDY GUIDELINES

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### Purpose

Lincoln Education Australia (LEA) has developed these Guidelines as required under the National Code 2018 Standard 9 to have documented procedures for assessing, approving, and recording a deferment of the commencement of study or suspension of study for international students.

### Scope

The Guidelines apply to international students only.

### Principles

LEA may defer or suspend the enrolment of a student on the grounds of, but not limited to:

- compassionate or compelling circumstances
- misconduct or misbehaviour by the student
- the student's failure to pay an amount he or she is required to pay LEA as stated in the written agreement, or
- a breach of course progress or attendance requirements by the international student

LEA informs international students that to defer, suspend or cancel enrolment may affect the student's visa. This information is communicated to students in the orientation programs and through these guidelines published on LEA website.

LEA will inform the Department of Education as required under Section 19 of the ESOS Act, via PRISMS, when a student's enrolment is deferred, suspended, or cancelled.

If the student appeals the decision to defer, suspend or cancel his or her studies, LEA will not notify PRISMS of a change to the enrolment status until the internal complaints and appeals process is completed, unless the overseas student's health or wellbeing, or the wellbeing of others, is likely to be at risk.

Following a period of absence, a student may only recommence studies after formally notifying LEA.



## Student Initiated Deferral or Suspension

### *(i) Deferring Commencement of Course*

- LEA may grant deferral of commencement of studies for students who have arrived in Australia and request such a change to their enrolment status on the grounds of compassionate or compelling circumstances. In this case LEA will amend the CoE in PRISMS with the intended start date.
- Examples of compassionate or compelling circumstances are given in the “Definitions” section.
- Students wishing to apply to defer their course commencement should in the first instance contact the Registrar. Students will need to submit documentary evidence to support their application.
- The application will be reviewed by a panel comprising at least the Academic Dean, the Course Coordinator and the Registrar, or their delegates.
- LEA will respond in writing to the application within 10 working days of receipt.
- A copy of the student’s application and LEA’s decision will be maintained on the student’s file.
- If the student provides no acceptable evidence for compelling or compassionate circumstances, then LEA may cancel the CoE, the student returns home, and needs to apply for a new visa later if they wish to return.

### *(ii) Suspending Study*

- A suspension of study is an approved period of leave from a course of study requested by a student after they have commenced their course.
- LEA may grant a leave of absence on the grounds of compassionate or compelling circumstances.
- Examples of compassionate or compelling circumstances are given in the “Definitions” section.
- Students wishing to apply for a suspension of study should in the first instance contact the Registrar. Students will need to submit documentary evidence to support their application.
- The application will be reviewed by a panel comprising at least the Academic Dean, the Dean of Students and the Registrar, or their delegates.
- LEA will respond in writing to the application within 10 working days of receipt.
- LEA will inform the student of the need to seek advice from the Department of Home Affairs (DHA) on the potential impact on their student visa if the suspension is granted.
- A copy of the student’s application and LEA’s decision will be maintained on the student’s file.



## LEA Initiated Deferral, Suspension or Cancellation

### **(i) Grounds for Deferral, Suspension or Cancellation**

- LEA may suspend or cancel a student's enrolment on the grounds of student misconduct, academic misconduct, or failure to progress.
- Information on what constitutes misconduct is found in the *Student Code of Conduct* and the *Academic Integrity and Misconduct Policy*.
- Information on academic progression is found in the *Academic Progress Policy and Procedure*.

### **(ii) Communication with Student**

- If LEA decides to suspend or cancel a student's enrolment, LEA will inform the student in writing of its intention:
  - giving details of the decision
  - informing the student that this may affect their student visa
  - that they have 20 working days in which to appeal against the decision, and
  - informing the student of the available appeals processes
- If the student appeals using LEA's internal grievance and appeals process, suspension or cancellation of the student's enrolment will not take effect until the internal process is completed, unless LEA decides that extenuating circumstances relating to the wellbeing of the student or wellbeing of others apply
- If the student chooses to appeal using an external appeals process LEA does not have to wait for the outcome before notifying the Department of Education of the change to the student's enrolment status

### **(iii) Extenuating Circumstances**

- Extenuating circumstances relating to the welfare of the student may include but are not limited to, the student:
  - is missing
  - has medical concerns, severe depression or psychological issues which lead LEA to fear for the student's wellbeing
  - has engaged or threatens to engage in behaviour that is reasonably believed to endanger the student or others; or
  - is at risk of committing a criminal offence
- Any claim of extenuating circumstances needs to be supported by appropriate evidence.



## Reporting to PRISMS

- LEA will inform the Australian Government Department of Education via PRISMS when a student’s enrolment status is deferred, suspended, or cancelled.
- There may be three different outcomes for the student’s CoE:
  - The **deferral or suspension period** of a student’s enrolment **does not affect** 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’. However, the notice of deferral or suspension will be recorded in PRISMS and sent on to the DHA. This information will be kept for future reference.
  - The **deferral or suspension period** of a student’s enrolment **does affect** the end date of the CoE. In such situations, PRISMS will cancel the original CoE, and immediately offer LEA the opportunity to create a new CoE with a more appropriate end date. If LEA does not know when the student will return, it can choose not to create a new CoE at that point, but to wait until the student has notified LEA of the intended date of return before creating the new CoE.
  - LEA notifies the Department of Education through 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’.

## Staff Training

LEA will facilitate training on ESOS Act and National Code 2018 for all staff members interacting directly with international students.

## Acknowledgements

Moore Theological College document titled “Deferral, Suspension and Cancellation of Study Procedures (International Students)” is acknowledged in the preparation of the Guidelines.

## Compliance

All relevant staff and all prospective and current international students at LEA are required to comply with these Guidelines, and with related policies and respective procedures. Non-compliance may result in a disciplinary action or withdrawal from these activities.

<b>File Number</b>	LEA-GEN-COR-70074-D
<b>Responsible Officer</b>	Chief Executive Officer



<b>Contact Officer</b>	Registrar
<b>Legislative Compliance</b>	<ul style="list-style-type: none"> <li>• <i>Higher Education Standards Framework (Threshold Standards) 2015</i></li> <li>• <i>Tertiary Education Quality and Standards Agency Act 2011</i></li> <li>• <i>Commonwealth Disability Discrimination Act 1992 and all associated standards.</i></li> </ul>
<b>Supporting Documents</b>	
<b>Related Documents</b>	<ul style="list-style-type: none"> <li>• <i>Course Modification and Tuition Fee Refund Policy and Procedures</i></li> <li>• <i>Student Code of Conduct</i></li> <li>• <i>Academic Integrity and Misconduct Policy</i></li> <li>• <i>Academic Progress Policy and Procedures</i></li> <li>• <i>Information for Students Policy and Procedures</i></li> <li>• <i>Student Handbook</i></li> <li>• <i>Student Learning Support Policy and Procedures</i></li> </ul>
<b>Superseded Documents</b>	
<b>Effective Date</b>	
<b>Next Review</b>	3 years from the effective date

## Definitions

**CoE:** Confirmation of Enrolment (generated in PRISMS).

**Compassionate and Compelling Circumstances:** 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. Examples of circumstances include, but are not limited to:

- ▶ bereavement of close family members such as parents or grandparents (where possible a death certificate should be provided)
- ▶ serious illness or injury, where a medical certificate states that the student is unable to attend classes
- ▶ major political upheaval or natural disaster in the home country requiring emergency travel
- ▶ a traumatic experience which has impacted the student and is supported by police or medical statements
- ▶ LEA is unable to provide a pre-requisite unit, should there be any, or the student failed a pre-requisite unit

**DHA:** Australian Government Department of Home Affairs.

**ESOS Act:** Education Services for Overseas Students Act 2000.



**International Student:** An international student means a person (whether within or outside Australia) who holds a student visa. An international student is also known as an overseas student.

**National Code 2018:** National Code of Practice for Providers of Education and Training to International Students 2018 (the National Code 2018).

**PRISMS:** Provider Registration and International Student Management System.

## Review Schedule

This policy shall be reviewed by the Academic Board every three years.

Version History			
Version number:	Approved by:	Approval Date:	Revision Notes:
1.0	Academic Board	13/08/2020	New policy