

## STUDENT DEFERRING, SUSPENDING OR CANCELLING ENROLMENT POLICY

### Scope

This policy/procedure supports 'Standard 9 – Deferring, suspending or cancelling the overseas student's enrolment' of the 'National Code of Practice for Providers of Education and Training to Overseas Students 2018' which states:

*"A registered provider may defer or suspend the enrolment of a student if it believes there are compassionate or compelling circumstances."*

### Purpose

The following procedures will ensure that Yorke Institute follows the required process when a student wishes to defer, suspend, or cancel their enrolment with Yorke Institute.

Students are able to initiate deferral, suspension, or cancellation of their studies only in certain limited circumstances as described below.

Yorke Institute has in place a documented procedure 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.

The Student Administration Officer assesses applications for students applying to defer commencement of their studies or suspending their studies. Students may also have their enrolment suspended due to misbehaviour that can also be grounds for cancellation of studies.

As part of these procedures, students must be informed that the deferment, suspension or cancellation may affect the student's visa and that Yorke Institute must notify Department of Education visa PRISMS as required under section 19 of the ESOS Act where the student's enrolment is deferred, temporarily suspended or cancelled.

### Process

#### Grounds for approving deferment or temporary suspension of studies

Deferment happens prior to the commencement of the course.

Students can defer commencement of studies or temporarily suspend their studies on grounds of compassionate or compelling circumstances (e.g., illness where a medical certificate states that the student is unable to attend classes) or misbehaviour by the student.

Compassionate or compelling circumstances may include:

- 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:
  - Involving in, or witnessing of a serious accident; or

- Witnesses 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)
- Inability to begin studying on the course commencement date due to delay in receiving a student visa.

Misbehaviour relates to misconducts stated below

### **Procedure to defer or temporarily suspend enrolment**

- Complete and submit the "Application to defer, suspend or cancel enrolment" form together with evidence of the compassionate or compelling circumstances to the Student Administration Officer.
- The Student Administration Officer will use their professional judgment to assess each case on its individual merits and based on supporting evidence.
- Student Administration Officer will determine in writing whether compassionate or compelling circumstances exist.
- The student Administration Officer will provide a response in writing within 14 days.
- Copies of these documents will be provided to the student and a copy filed in student file.
- The application may be rejected if satisfactory evidence is not provided prior to the request for deferment or suspension or within reasonable period after the occurrence of the circumstances.

### **Student Initiated Cancellation**

Students wishing to cancel their enrolment must ensure that they pay outstanding course fee. Failure to do so may lead to commencement of recovery proceedings and withholding of results.

Students wishing to cancel their enrolment prior to completing 6 months of study in their principal course must comply with the requirements under Standard 7 of the National Code. Refer to 'Transfer between Providers Policy and Procedure' available under 'Policies and Procedures' on Yorke Institute web site, [www.yorkeinstitute.edu.au](http://www.yorkeinstitute.edu.au)

### **Procedure to cancel enrolment**

Complete the "Application to defer, suspend or cancel enrolment" form and submit the form to the Student Administration Officer. State the reasons for the cancellation.

The Student Administration Officer will file the application into the student file

### **Yorke Institute initiated deferral or temporary suspension of a student's enrolment**

Yorke Institute can only defer or temporarily suspend the enrolment of a student on the grounds of:

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

### **Yorke Institute Initiated Suspension on grounds of misbehaviour**

Yorke Institute 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, and 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
- General Misconduct

## Yorke Institute Suspension Due to Academic Misconduct for examination and assessment

### Examinations

- Students must not help or receive assistance from other students
- Students must not request the loan of or lend materials or devices to other students
- Students must not bring any materials into the examination room other than those specified for that examination
- Students must not use computer software or other devices during an examination other than those specified.
- A student may be excluded from a final examination 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 as specified above
  - General misconduct (see below)

### Assessment Tasks

- 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.

Penalty of marks or by way of reassessment will be imposed for students breaching the above policy. Reassessment costs will apply.

## Yorke Institute Suspension Due to General Misconduct

Yorke Institute may suspend a student due to the following:

- 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 Yorke Institute's property or the property of others.
- Alters/defaces Yorke Institute documents or records; prejudices the good name of Yorke Institute, or otherwise acts in an improper manner.

When does student misconduct occur? When the student...

- contravenes any rules or acts.
- prejudices the good name or reputation of Yorke Institute.
- prejudices the good order and governance of Yorke Institute or interferes with the freedom of other people to pursue their studies, carry out their functions or participate in the life of Yorke Institute.
- fails to comply with conditions agreed in the contract.
- wilfully disobeys or disregards any lawful order or direction from our personnel.
- refuses to identify him or herself when lawfully asked to do so by an officer of Yorke Institute.
- 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 Yorke Institute or on the premises or other premises to which the student has access as a student of Yorke Institute.
- obstructs any member of staff in the performance of their duties.

- acts dishonestly in relation to admission to Yorke Institute.
- knowingly makes any false or misleading representation about the student of Yorke Institute, Yorke Institute itself or breaches any of the Institute's rules;
- alters any documents or records.
- harasses or intimidates another student, a member of staff, a visitor to Yorke Institute, or any other person while the student is engaged in study or other activity as the Institute 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 Yorke Institute.
- 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 Yorke Institute premises while acting as an Yorke Institute 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 Yorke Institute or for which Yorke Institute is responsible; or is guilty of any improper conduct.

## Procedure

The Student Administration Officer together with another assessor or trainer will inform the student the decision on the penalty and the severity of the penalty.

Types of penalties the Student Administration Officer may impose include:

- Academic Misconduct could include a warning, a reduction in grades, receiving zero for an assessment, deemed NYC in the unit, or suspension of enrolment or reassessment that could incur additional cost for reassessment
- A charge for any costs that the general misconduct may have caused
- Temporary exclusion from Yorke Institute in the form of suspending enrolment for a period.
- Suspension for 28 days or longer may require the student to return home (unless special circumstances exist) under DIBP's policy. Severe misconduct may lead to cancellation of enrolment.

The Student Administration Officer may consider the type and severity of misconduct when deciding penalties. The following shall be ensured:

- 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 Student Administration Officer 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.

## Provider Initiated Cancellation

Cancellation of enrolment by Yorke Institute may occur when there has been:

- Severe misconduct by students as stated above
- Breach of s19 (d) of ESOS Act 2000 including non-payment of course fees.

In circumstances where Yorke institute intends to suspend or cancel a student's enrolment where the suspension or cancellation is not initiated by the student, the student must be notified that s(he)has 20 working days to access the internal complaints and appeals processes. If the student accesses the

internal complaints and appeals process, the suspension or cancellation of enrolment of the student cannot take effect until the internal complaints and appeals process is completed. This means Yorke Institute will not notify Department of Education via PRISMS of a change to the enrolment until the internal complaints and appeals process is completed.

Refer: Education Services for Overseas Students(ESOS) Act