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## Overseas Student Deferment, suspension and cancellation

**YARRA VALLEY**  
G R A M M A R

Yarra Valley Grammar (**the School**), in accordance with Section 19 of ESOS Act and Standard 9 of the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (**National Code**), implements this policy and procedure to assess, approve and record maintenance of deferment, suspension or cancellation of commencement of by an overseas student. All reasons relating to deferment or suspension will be documented and kept on file.

### Deferment or Suspension of Studies

The School may defer or temporarily suspend a student's commencement of enrolment or continued enrolment on the grounds of compassionate or compelling circumstances. Compassionate or compelling circumstances are generally those beyond the control of the overseas student and which have an impact upon the overseas student's course progress or wellbeing. These circumstances may include, but are not limited to, the following circumstances:

- (a) serious illness or injury, where a medical certificate states that the overseas student was unable to attend class;
- (b) bereavement of a close family members such as parents or grandparents (where possible, a death certificate should be provided);
- (c) major political upheaval or natural disaster in the home country of the student requiring emergency travel and this has impacted the overseas student's studies;
- (d) a traumatic experience which could include:
  - i. involvement in or witnessing of a serious accident or witnessing; or
  - ii. being the victim of a serious crime, and this has impacted the overseas student (these cases should be supported by police or psychologists' reports); or
- (e) where the School has been unable to offer a pre-requisite unit, or the overseas student has failed a prerequisite unit and therefore faces a shortage of relevant units for which they are eligible to enrol.

Failure to pay the amount required to be paid to undertake or continue studies as stated in the written agreement to the School may also result in suspension of studies.

If a student has been misbehaving, resulting in serious breach of the Student Code of Conduct under the School rules or a breach in accordance with Standard 8 of the National Code in relation to course progress or attendance requirements by the student visa, the School may suspend or defer the student's enrolment.

### Procedure

The school will make efforts where possible to counsel students to provide the necessary support and advice in cases of compassionate and compelling circumstances. Any notifications of intention to suspend will be provided in writing with the explanation of the grounds for suspension and duration of suspension to the student including the School's Complaints and Appeals (Grievance) Policy.

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If the School initiates a suspension of the student's enrolment, the student, the student's parents and the caregiver (if applicable) will be informed of the intention of the School to suspend the overseas student's enrolment and the reasons for doing so. The student or the student's parents will have 20 working days to appeal the School's decision of intention to suspend or cancel the studies of the student.

In the case of suspension, the student will be provided with homework or other studies and they must continue to meet the academic requirements of the course.

The School will not suspend an overseas student's enrolment until the internal appeals process is completed, unless the overseas student's health and wellbeing, or the wellbeing of others, is likely to be at risk. This may include if the overseas student:

- (a) refuses to maintain approved care arrangements (if they are under the age of 18);
- (b) is missing;
- (c) has medical concerns, severe depression or psychological issues which lead the provider to fear for the student's wellbeing;
- (d) has engaged or threatened to engage in behaviour that is reasonably believed to endanger the overseas student or others; or
- (e) is at risk of committing a criminal offence.

The School will keep evidence to support this finding.

The parent or student should submit the request for deferment or temporary suspension in writing to the School along with supporting documentary evidence. In circumstances where the deferment or temporary suspension is approved by the School, a course variation will be recorded on PRISMS as appropriate or necessary.

### **Suspension or cancellation of Enrolment Post Commencement of Studies at the School**

The School may suspend or cancel the enrolment of a student under the following situations:

- (a) Misbehaviour by the student, including a Serious breach of the Code of Conduct under the School Rules;
- (b) Failure to pay an amount that was required to be paid to the School to undertake or continue to undertake the course as stated in the Enrolment Agreement;
- (c) Serious breach of the provisions of the Confirmation of Approved Accommodation and Welfare (CAAW) arrangements; or
- (d) Breach of course progress or attendance requirements in accordance with Standard 8 of the National Code.

### **Procedure**

The School will have communication and meetings as necessary with the student and/or the parent to address all concerns and further discuss and implement appropriate intervention strategies.

In instances where the cancellation is inevitable after all opportunities for redemption are deemed to have been exhausted, the School will notify the student and the parents in writing of intention to cancel the enrolment and the reasons for doing so.

The parents and student will also be provided information on the School's Complaints and Appeals (Grievance) Policy, Overseas Student Transfer Policy and the Overseas Student Refund Policy. The parents and student will be advised that they have a maximum of 20 working days to lodge an appeal against the decision. The student and the parent will also be informed in writing that this may affect the student visa.

Should the student or their parents not appeal the decision within 20 working days of being informed of the decision and their right to appeal, the parents and student will be asked to accept an offer with an alternative education provider or for the student's parents to advise of intentions for their child to return to the home country. The School will endeavour not to cancel the CAAW or CoE until an offer and CAAW has been issued by the new education provider. In a scenario where the parents express the intention for their child to return to the home country, the CoE will be cancelled.

Where the School issues a deferral, suspension or cancellation under this Policy, the School will:

- (a) inform the overseas student of the need to seek advice from Immigration on the potential impact on his or her student visa; and
- (b) report the change to the overseas student's enrolment under section 19 of the ESOS Act.

### **Deferment and cancellation of CoE prior to commencement of course relating to English language requirements**

Further to the policy and procedure for deferment and cancellation provided within this Policy, a student's enrolment may be deferred or cancelled prior to commencement of the course due to their English language proficiency.

Near the completion of an English language program at a government recognised centre for the teaching of English language, the School expects all students to complete a test administered by the School. If the School feels the overseas student has not adequately reached the English language requirements, the School may cancel the student's Certificate of Enrolment (CoE) and reissue it with a later commencement date. The student will need to complete a further English study by the recommended new commencement date of studies at the School. If after additional English or further testing, the results again suggest that the student is still unable to cope with the curriculum of the School, the CoE will be cancelled and the student will be required to enrol somewhere else.

If the testing results are too low and suggest that the student is unable to cope with the curriculum and will not be able to commence studies even after undertaking additional English studies, the student will be either required to enrol at another government approved education provider or return to their home country.

### **Procedure**

The School will notify the student and the parent/caretaker of the student in writing as soon as possible and provide details on the Overseas Student Transfer Policy and Procedures and Overseas Students Refund Policy and Procedures. In both these scenarios, the School will not cancel the CAAW or CoE until an offer and CAAW has been issued by the new education provider. In a scenario where the parents express the intention for their child to return to the home country, the CAAW and CoE will be cancelled.