

## Overseas Student Deferment, Suspension and Cancellation

<b>Policy Name</b>	<b>Overseas Student Deferment, Suspension and Cancellation</b>
<b>Constructed /Reviewed by</b>	Executive/Board
<b>Review</b>	<b>Last Review:</b> March 2023 <b>Next Review:</b> March 2025

Yarra Valley Grammar (**the School**), in accordance with 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 study of an overseas student. All reasons relating to deferment or suspension will be documented and kept on file.

### **Communicating with families about changes in enrolment status**

All communication regarding changes to enrolment status will be made directly with students and parents as per the contact details being provided to the School. It is the responsibility of the parents to keep the School informed of their current contact details as required by the visa conditions of the student visa.

The School may also share copies of correspondence with the child's education agent to facilitate communication about changes in enrolment status if relevant and where approved by the parents. However, the parents with whom the school has a formal written agreement are the primary contact for the School in such matter. The School will not act on any decision affecting the student's enrolment that is not made by the parents. As part of any assessment of a request to defer or temporarily suspend studies, the impact of the request on the student's ability to complete their intended course of study in accordance with their CoE/s and student visa will be considered. Any implications will be communicated to students.

### **Student Initiated Changes in Enrolment**

#### **Deferment of commencement of study requested by student**

The School may defer a student's 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:

- serious illness or injury, where a medical certificate states that the overseas student was unable to attend class;
- bereavement of a 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 of the student requiring emergency travel and this has impacted the overseas student's studies;
- a traumatic experience which could include:

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- involvement in or witnessing of a serious accident or witnessing; or
- 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
- after undertaking ELICOS studies, the student has not/will not meet the English language benchmark required for entry into the desired course, and the school is willing to defer the student's commencement in the course until a later date when the required benchmark is achieved. or

### **Procedure**

All applications for deferment will be considered and assessed within 5 working days of the receipt of the request. The final decision lies with the Director of Marketing and Admissions, Head of the School and the International Students Coordinator.

If the student's request to defer his/her commencement of studies is refused, the student has the right to appeal (see Complaints and Appeal Policy of Yarra Valley Grammar).

If the request to defer is approved, then student is informed, and the deferment gets recorded in PRISMS within 14 days of being granted.

### **Suspension of study requested by the student**

Once the student has commenced the course, the School will only grant suspension of study for compassionate and compelling circumstances including but not limited to,

- serious illness or injury, where a medical certificate states that the overseas student was unable to attend class;
- bereavement of a 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 of the student requiring emergency travel and this has impacted the overseas student's studies;
- 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 the overseas student (these cases should be supported by police or psychologists' reports); or
- Student returns to their home country to sit a university exam (or similar assessment) which impacts upon their education.

Some examples of circumstances that are not considered compassionate and compelling at the School include:

- requests for early departure or late return from vacation, including inability to secure cheap flights
- leaving early or returning late from holidays in order to attend festivals in the student's home country
- returning home to attend family gatherings that occur during term time.

### **Procedure**

Where there is a significant issue impacting upon a student's attendance or course progress, it is essential that the student or parents contact the school as soon as possible to discuss the concern so that appropriate support can be put in place. Where deemed necessary, this may involve temporarily suspending the student's enrolment so that matters can be resolved without having a negative impact on the student's ability to satisfy their visa conditions.

All applications will be assessed on merit within 5 working days of the receipt of the request. The final decision lies with the Head of the School and the International Students Coordinator.

Suspensions will be recorded in PRISMS within 14 days of being granted. The period of suspension will not be recorded in attendance calculations.

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If the student's request to suspend his/her studies is refused, the student has the right to appeal (see Complaints and Appeals Policy of Yarra Valley Grammar).

### **Student initiated cancellation of enrolment**

All requests/notifications to withdraw from a course must be made in writing to the Director of Marketing and Admissions.

A student will be deemed to have inactively notified the School of cancellation of enrolment where, the student has not yet finished course of study with the School and does not resume studies at the school within 14 days after the holiday break, and no written notification of withdrawal has been previously provided to the school by the student.

#### **Procedure**

Student initiated cancellation of enrolment, including 'inactive' cancellation of enrolment above will be recorded in PRISMS and student-initiated cancellation is not subject to Yarra Valley Grammar's Complaints and Appeals policy an procedures.

### **School Initiated Changes in Enrolment**

#### **School initiated suspension of studies**

School may initiate a suspension of studies in following circumstances,

- 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
- 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.

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 school will first issue a letter that notifies the students and parents of this intention and information about how to access the School's internal appeals process (Complaints and Appeal policy and procedures of Yarra Valley Grammar). 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 and welfare and accommodation arrangements in place.

The School will not suspend an overseas student's enrolment until the internal appeals process is completed, unless extenuating circumstances relating to 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:

- refuses to maintain approved care arrangements (if they are under the age of 18);
- is missing;
- has medical concerns, severe depression or psychological issues which lead the provider to fear for the student's wellbeing;

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- has engaged or threatened to engage in behavior that is reasonably believed to endanger the overseas student or others; or
- is at risk of committing a criminal offence.

The use of extenuating circumstances by the School to suspend or cancel a student's enrolment prior to the completion of any complaints and appeals process will be supported by appropriate evidence. The final decision for evaluating extenuating circumstances lies with the Principal.

Suspensions will be recorded on PRISMS. Students who have been suspended for more than 28 days may need to contact Department of Home Affairs. The period of suspension will not be included in attendance calculation.

### **School initiated cancellation of studies**

The School will cancel the enrolment of a student under the following conditions:

- 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;
- Serious breach of the provisions of the Confirmation of Approved Accommodation and Welfare (CAAW) arrangements;
- Serious breach of the Code of Conduct under the School Rules; or
- Breach of course progress or attendance requirements in accordance with Standard 8 of the National Code;
- Any breach of agreed condition of enrolment as outlined in the student's Enrolment Agreement.

### **Procedure**

Where the School intends to cancel the enrolment of a student it will first issue a letter which notifies the student and parents of this intention. The letter will also provide details of the reason/s for the intended cancellation, as well as information about how to access the School's internal appeals process. 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 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.

If a student decides to access the School's complaints and appeals process because they have been notified of a school initiated suspension or cancellation of enrolment under Standard 9, the change in enrolment status will not be reported in PRISMS until the internal complaints and appeals process is finalised, unless extenuating circumstances relating to 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:

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

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The use of extenuating circumstances by the School to suspend or cancel a student's enrolment prior to the completion of any complaints and appeals process will be supported by appropriate evidence. The final decision for evaluating extenuating circumstances lies with the Principal

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:

- inform the overseas student of the need to seek advice from the Department of Home Affairs on the potential impact on his or her student visa; and
- report the change to the overseas student's enrolment.