



Deferment Suspension and Cancellation Policy

1. Purpose

This Policy seeks to ensure that Methodist Ladies' College ("MLC" or "the College") meets the Education Services for Overseas (ESOS) Act and National Code Standard 9 with respect to any decision to defer, suspend or cancel an International Student's enrolment.

2. Scope

This policy applies to the deferment, suspension or cancellation of enrolment of an International Students at MLC.

In this Policy, "International Student" has the same meaning as "overseas student" in Section 1.1.3 of the Education and Training Reform Act 2006 (Vic).

3. Policy Principles

3.1 Deferral, suspension or cancellation

MLC will maintain a record of any decisions to defer or suspend an International Student's enrolment. If MLC defers or suspends an International Student's enrolment, the College must notify the Department of Education and Training through the Provider Registration and International Student Management System (PRISMS).

The Department of Home Affairs will not cancel an international student's visa if the deferral is for compassionate or compelling reasons.

Where MLC defers or suspends a student's studies for compassionate or compelling reasons, the registered provider will ensure the student visa holder has a valid Confirmation of Enrolment (CoE) in PRISMS with a start date that reflects the student's intended date of return to studies.

An international student's visa may be cancelled if the deferral or suspension:

- is due to the conduct of the student
- is for reasons other than compassionate or compelling circumstances
- the compassionate or compelling circumstances which warranted the deferral or suspension of studies cease to exist
- is based on fraudulent evidence or documents given to the registered provider.

3.2 Impact on Confirmation of Enrolment (CoE)

MLC will inform any International Student seeking to defer, suspend or cancel their enrolment, that this action may affect their student visa.

In the event of a decision to defer, suspend or cancel an enrolment, there are three possible outcomes on a student's CoE:

1. The College notifies the Department of Education and Training through PRISMS that they are deferring or suspending an overseas student's enrolment for a period without affecting the end date of the CoE. There will be no change to the CoE on PRISMS – the overseas student will still be listed as studying. However, the notice of deferment or suspension will be recorded in PRISMS.
2. MLC notifies the Department of Education and Training through PRISMS that they are deferring or suspending an overseas student's enrolment for a period which will affect the end date of the CoE. PRISMS will cancel the original CoE and immediately offer the registered provider the opportunity to create a new CoE with a more appropriate end date. If MLC does not know when the overseas student will return, it can choose not to create a new CoE at that point, but to wait until the overseas student has notified the College of the intended date of return before creating a new CoE.
3. MLC notifies the Department of Education and Training through PRISMS that it wishes to permanently cancel (terminate) the International Student's enrolment. Once this process is complete, the overseas student's CoE status will be listed as 'cancelled'. If the overseas student is under the age of 18, the cancellation of a CoE does not cancel a Confirmation of Appropriate Accommodation and Welfare (CAAW), and the registered provider is still responsible for welfare arrangements until one of the conditions of Standard 5.6 are met.

3.3 Student-initiated deferrals, suspensions, or cancellations of their enrolment

MLC can defer or suspend an International Student's enrolment if it believes that there are compassionate or compelling circumstances.

These could include, but are not limited to:

- serious illness or injury, where a medical certificate states that the International Student was 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 International 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 on the International Student (these cases should be supported by police or psychologists' reports)
- where MLC was unable to offer a pre-requisite unit, or the International Student has failed a prerequisite unit and therefore faces a shortage of relevant units for which they are eligible to enrol.
- Other compassionate or compelling circumstances at the discretion of the College.

MLC will consider each application on its own merits and will request documentary evidence to support any claims, this evidence will be kept on the International Students file.

Requests to defer studies should be directed to the Manager of Admissions. Requests for the suspension of studies, must be directed in the first instance to the International Student Coordinator, who will refer any request to the relevant Head of School for a final decision.

Deferment and suspension will be recorded on PRISMS depending on the status of the Confirmation of Enrolment (CoE) status.

All applications for deferment or suspension will be considered within 10 working days.

The period of suspension will not be included in attendance calculations.

3.4 Provider-initiated deferrals, suspensions, or cancellations of their enrolment

MLC may suspend or cancel an International Student's enrolment on the basis of, but not limited to:

- misbehaviour by the International Student in contravention of the *MLC Student Code of Conduct Policy and Procedure*
- the overseas student parent/guardian's failure to pay the required amount to undertake or continue the course as stated in the written MLC Enrolment Agreement;
- a breach of course progress or attendance requirements by the International Student, refer to the *MLC International Student – Course Progress and Attendance Policy*
- failure to maintain approved welfare and accommodation arrangements (visa condition 8532).
- Failure to provide an MLC approved Local Support Person (LSP)

For any deferral, suspension or cancellation of enrolment initiated by MLC, the overseas student must be given a notice of intention to report and 20 working days to access the MLC's internal complaints and appeals process. This applies even if an overseas student's misbehaviour is grounds for immediate expulsion, unless the overseas student's health or wellbeing, or the wellbeing of others, is likely to be at risk (as outlined below).

Generally, MLC can proceed with the deferral, suspension, or cancellation after the internal complaints handling and appeals process has been completed – for example, in cases of misbehaviour and non-payment. The only time MLC is required to wait for both the internal and external complaints handling and appeals processes to be completed is for course progress and/or attendance breaches.

The overseas student does not have to be given the opportunity to appeal a provider-initiated deferral, suspension or cancellation of enrolment when the overseas student's health or wellbeing, or the wellbeing of others, is likely to be at risk. MLC must keep evidence to support this.

Examples of this include when the International Student:

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

3.5 Suspension from School

The Principal may suspend a student from school on the grounds of misbehaviour by the student. Suspension will occur as the result of any behaviour identified as Level 4: Extremely Serious Behaviour as detailed in MLC's *Student Code of Conduct Policy and Procedure*.

Suspended students must abide by the conditions of their exclusion from studies which will depend on the welfare and accommodation arrangements in place for each student and which will be determined by the Head of School, approved by the Principal and communicated by the Head of School.

For the duration of the appeals process, the student is required to maintain their enrolment. The Head of School will determine if participation in studies will be in class or under a supervised arrangement outside of classes.

Where the student is provided with homework or other studies for the period of the exclusion, the student must continue to meet the academic requirements of the course.

Exclusions from class will not be recorded on PRISMS.

Periods of suspension will be included in attendance calculations as per MLC's Course Progress and Attendance Policy and will require a return to school meeting with the Head of School, before a student can return to school.

School initiated suspension, where the suspension is to be recorded in PRISMS, and cancellation, are subject to MLC's Complaints, Grievances and Appeals Policy.

Where a decision has been considered to defer, suspend or cancel the enrolment of the student, the Principal will:

- write to the student, and the student's parents/guardians stating:
 - the reasons that the student's enrolment is under consideration for being deferral suspension or cancellation
 - the relevant rules, policies, standards of behaviour alleged to be breached
 - the relevant allegations said to warrant suspension or withdrawal of enrolment
- allow the student and/or the student's parents/guardians to give a response, either in writing or verbally
- allow the student to have a support person of the student's choosing
- arrange a meeting with the student, the student's support person where applicable, and the student's parents/guardians where possible
- arrange for an interpreter, if one is required
- ensure that any meetings are documented.

3.6 Initiating Suspension or Cancellation

Prior to initiating a suspension or cancellation of the International Students's enrolment, MLC will:

- inform the International Student and their parent/guardians of the intention to suspend and/or cancel the student's enrolment and the reasons for doing so, in writing; and
- advise the international student of their right to appeal through the School's internal complaints and appeals process, in accordance with Standard 10 (Complaints and Appeals) and the MLC Complaints, Grievances and Appeals Policy, within 20 working days.

3.7 Taking Action to Defer, Suspend or Cancel

When there is any deferral, suspension or cancellation action taken by the College, MLC will:

- inform the international student of the need to seek advice from the Department of Home Affairs on the potential impact on their student visa
- report the change to the international student's enrolment under section 19 of the ESOS Act via PRISMS

4. Related Policies

- MLC Complaints, Grievances and Appeals Policy
- International Student – Course Progress and Attendance Policy

5. Governance

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