

OVERSEAS STUDENT DEFERMENT SUSPENSION AND CANCELLATION POLICY

SCOPE

Tintern, in accordance with Section 19 of the ESOS Act and Standard 9 of the National Code, implements the following policies and procedures for assessing, approving and recording a deferment of commencement of studies or suspension or cancellation of study by an Overseas student. This policy applies to all school staff, homestay providers, Local Support Persons, parents and Overseas students of Tintern.

1. Procedures for Application for Deferment of Commencement of studies

- 1.1 Tintern will only grant a deferment of commencement of studies on compassionate and compelling grounds. Such circumstances must be deemed unavoidable and may include but not limited to:
 - (a) Student illness validated by a Medical Certificate;
 - (b) Significant family crisis eg. Bereavement of an immediate family member;
 - (c) A major political issue, natural disaster or other event deemed to be force majeure in the home country rendering international travel to be impractical;
 - (d) Personal or Mental Health issues of a confidential nature with supporting documentation.
- 1.2 The parent/local support person (LSP) or agent of the student is required to submit the Application for Deferment of Studies form to the Head of School including attachment certified copies of evidence of circumstances and documentary evidence of the travel details, if any, in and out of Australia;
- 1.3 Consideration of the application will be undertaken by the Head of School in consultation with the International Student Coordinator
- 1.4 A written response will be provided to the parent/local support person of the student from the Head of School as soon as practicable;
 - (a) In circumstances where the deferment is approved by the School, a course variation will be recorded on PRISMS by the Admissions Officer.
 - (b) In circumstances where the deferment is not approved by the School, written Notice of Intention to Cancel the student's Confirmation of Enrolment (CoE) is then issued to the parent/Local Support Person (LSP). An option may be that the student/parent choose to continue with their study program at Tintern at this point resulting in no further action by the School.

2. Procedures for Temporary Suspension of Studies – Requested by Parent

- 2.1 Tintern acknowledges that circumstances may arise of an unavoidable, compassionate or compelling nature warranting temporary suspension of studies. Such circumstances must be deemed unavoidable and rendering immediate continuation of studies to be impractical.

Such circumstances may include but shall not be limited to:

- (a) Student illness validated by a Medical Certificate;
 - (b) Significant family crisis eg. Bereavement of an immediate family member;
 - (c) A major political or national issue in the home country requiring the student to return to their home country at the request of parents or Government Authorities;
 - (d) A force majeure event in either home country or Australia.
 - (e) Emergence of student personal or mental health issues of a confidential nature with supporting documentation.
- 2.2 The parent/LSP or agent of the student is required to submit the Application for Temporary Suspension of Studies form to the Head of School including attachment of any supportive documentation. Such documentation would include certified copies of evidence of circumstances and documentary evidence of the travel details, if any, in and out of Australia;
- 2.3 Consideration of the application will be undertaken by the Head of School in consultation with the International Student Coordinator
- 2.4 A written response will be provided to the parent/LSP or agent of the student from the Head of School as soon as practicable;
- 2.5 In circumstances where the temporary suspension of studies is approved by Tintern, a course variation will be recorded on PRISMS by the Admissions Officer.
- 2.6 Tintern acknowledges that in all cases where a student is under the age of 18 years and where the student is not being cared for in Australia by a parent or suitable nominated relative, the granting of Temporary Suspension of Studies does not alleviate the College from its CAAW responsibilities under Standard 5 National Code (2018). Consequently, full Accommodation and Welfare responsibilities shall be maintained by Tintern while the student continues to reside in Australia.

3. Procedures for Temporary Suspension of Studies – Imposed by Tintern

- 3.1 Grounds for Temporary Suspension of Studies include but are not necessarily limited to:
- (a) Significant breaches of the Student Code of Conduct at Tintern by the student as a holder of a student visa;
 - (b) Significant breach of a condition attached to the student visa;
 - (c) Failure to pay fees to Tintern after every effort has been made by Tintern to instruct the nominated account payee of their obligation.
- 3.2 As a matter of course, Tintern undertakes to counsel the student on any such breaches and then provide the parent/LSP with a Notice of Intention to Suspend Studies including an explanation of their right to access the Complaints and Appeals Process. The Notice of Intention to Suspend Studies shall include an explanation of the grounds for suspension and duration of such suspension;

- 3.3 Such Notification of Intention to Suspend shall advise the student/parent/LSP that they have 20 working days to appeal that decision to suspend and that the student must continue to abide by the conditions of their student visa throughout that period of consideration;
- 3.4 In the interests of student and Tintern community safety, the Principal may choose to exclude the student from class or from attendance at the School entirely for a specified period while all matters are being resolved. Such a decision by the Principal will be communicated in writing and/or through interview with the student/parent/LSP, with a record of this decision being stored on the student file.
- (a) Tintern will continue to fulfill its responsibilities under the Confirmation of Approved Accommodation and Welfare (CAAW) during such a period;
 - (b) Decisions to implement suspension of studies by Tintern shall be recorded on PRISMS by the Admissions Officer.
 - (c) Every effort shall be made by Tintern to allow the student to maintain academic progress in such circumstances and to resolve the matter through negotiation with the student/parent/LSP in a timely manner.

4. Procedures for Cancellation of Enrolment – Prior to Student Commencement in Principle Course of Study

- 4.1 Grounds for cancellation of Enrolment by Tintern prior to student commencement may include but shall not be limited to:
- (a) Student failure to reach the required level of English language proficiency within the prescribed period of time through the ELICOS Program;
 - (b) Poor conduct by the student whilst enrolled in the ELICOS Program, either whilst in attendance at the ELICOS Centre or out of ELICOS Centre attendance hours;
 - (c) Refusal by the student to undertake any prescribed objective assessment of readiness for mainstream studies (eg on-shore AEAS Test/iDAT Test) as directed by the School prior to commencement;
 - (d) Provision of false, misleading or incomplete information to the School.
- 4.2 In the event of any such circumstance the School shall notify the parent/agent in writing through issuance of an Intent to Cancel Confirmation of Enrolment (CoE) as soon as practicable including instructions on the Tintern Overseas Student Transfer Policy and Procedures and directing the parent/agent to the Tintern Overseas Student Refund Policy and Procedures. Under the Complaints and Appeals Policy, an Overseas student will have 20 days to lodge against the decision.
- 4.3 The School reserves the right to negotiate a prompt resolution on this matter in the best interests of the student.
- In such cases the parent will submit a written Acceptance of Cancellation of Enrolment to the Principal resulting in:
- (a) The School implementing the Overseas Student Refund Policies and Procedures in accordance with the Terms and Conditions of Enrolment

(b) The cancellation of the CoE on PRISMS, with a record maintained on the student file.

4.4 Once the appeal lodgement period has expired, and assuming that efforts made for a prompt resolution have not been successful, the School will consult directly with the parent/agent in determining the most appropriate date for cancellation of the CoE, with respect to the expressed intent of the parent to accept an offer with an alternative Education Provider or for their child to return to the home country.

4.5 The cancellation of the CoE on PRISMS will be completed by the Admissions Officer.

5. Procedures for Cancellation of Student Enrolment – After Student has Commenced Studies

5.1 Grounds for Cancellation of Enrolment after Student Commencement of Studies may include, but shall not be limited to:

- (a) Unsatisfactory student attendance;
- (b) Unsatisfactory course progress within a semester;
- (c) A decision by the School that the student has not qualified for transition to the next year of study and therefore an inability of the School to offer the student a course of study that allows them to complete their study program within the timeframe permitted by their CoE;
- (d) Serious breach of the Tintern Student Code of Conduct;
- (e) Serious breach of the provisions of the CAAW;
- (f) Failure by the parents to pay Tuition Fees;
- (g) Provision of false, misleading or incomplete information to the School;
- (h) Breach of Enrolment Agreement, not otherwise set out above.

5.2 Before initiating a suspension or cancellation, the School will make efforts where possible to counsel students and provide necessary support and advice in cases of compassionate and compelling circumstances. Any notifications of intention to cancel or suspend will be provided in writing including an explanation of the grounds for cancellation or suspension and the duration of suspension to the student.

5.3 If the School initiates a cancellation or suspension of the student's enrolment, the student and the student's parents will be informed in writing of the intention of the School to cancel or suspend the overseas student's enrolment and the reasons for doing so. The student or the student's parents will be advised of their right to appeal through the school's Complaints and Appeals process in accordance with Standard 10 of the National Code and within 20 working days as outlined in the policy.

5.4 Once the appeal lodgement period has expired the School will then consult directly with the parent/agent in determining the most appropriate date for cancellation of the CoE, with respect to the expressed intent of the parent to accept an offer with an alternative Education Provider or for their child to return to the home country.

5.5 The School acknowledges where the student is not being cared for in Australia by a parent or suitable nominated relative, the School must maintain responsibility for the CAAW arrangements in accordance with Standard 5 National Code (2018) until such time as:

- (a) an alternative Education Provider has issued a current CoE and CAAW for that student;
- (b) a parent assumes full responsibility for the care onshore of the student;
- (c) the student departs Australia.

5.6 The Admissions Officer will then record the Cancellation of the CoE on PRISMS, including a clear statement of the reasons for that cancellation and record on the student file.

6. Appeal Processes against Tintern decision to Suspend or Cancel Enrolment and Continuation of Student Welfare Arrangements

6.1 The School acknowledges its responsibility to inform the student and parent of its intention to terminate, suspend or cancel the student enrolment where the termination, suspension or cancellation is not initiated by the student and notify the student and parent in writing that they have 20 working days to access the Tintern Overseas Student Complaints and Appeals (Grievance) Process.

6.2 If the School initiates a suspension or cancellation of enrolment of a student under the age of 18 years for whom it has approved welfare and accommodation arrangements, the School will continue to meet all CAAW responsibilities until:

- (a) The student is accepted by another Education Provider and that Education Provider has issued a CAAW that becomes effective on a specified date that does not allow any gap in welfare responsibility in transition between the Education Providers;
- (b) The student is assisted in the process of leaving Australia;
- (c) Other suitable arrangements are made that satisfy migration regulations;
- (d) The School reports to the Department of Home Affairs via PRISMS that it can no longer approve the welfare arrangements of the student arising from non-compliant conduct by that student.

6.3 If the student accesses the School's Overseas Student Complaints and Appeals Process, the termination, suspension or cancellation of enrolment will not be affected until the complaints and appeals process is completed, unless extenuating circumstances relating to the welfare of the student or other members of the School community apply. Such extenuating circumstances may include but are not limited to:

- (a) The student refuses to maintain School approved welfare and accommodation arrangements;
- (b) The student cannot be located;
- (c) The School has reasonable grounds to believe that the student has significant medical concerns or psychological issues which lead to fear for the student's well-being;
- (d) The student has engaged or has threatened to engage in behaviour that is reasonably believed to endanger the student or others;
- (e) The student is at risk of committing a criminal offence; or
- (f) The student is the subject of investigation relating to criminal matters.

6.4 In such cases of extenuating circumstances, as deemed by the Principal, the parent of the student would be first informed and advice would be sought from the Department of Home Affairs and other legal authorities for further action. Every effort will be made by the School to maintain communication

with the parent and may involve the implementation of the International Student Critical Incident Policy & Procedure.

APPROVAL

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Director of Admissions and
Marketing

DRAFT