



Deferment, Suspension or Cancellation Policy and Procedures

Document Name	NC 2018 - S9 - Deferment, Suspension or Cancellation Policy and Procedures
Standard	National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018), Standard 9: Deferring, suspending or cancelling the overseas student's enrolment
Institution Name	The Management School Sydney (also known as the "RTO" or "College")
Issue Date	20 Feb 2018
Version Number	1.0
Date of Next Review	20 Feb 2019
Frequency of Review	Annually
Approval Authority	Principal Executive Officer
Related Documents	Student Handbook Training and Assessment Strategies NC 2018 - S8 - Monitoring Course Progress and Intervention Policy and Procedure NC 2018 - S2 - Credit Transfer Policy and Procedure NC 2018 - S6 – Complaints and Appeals Policy and Procedure
Administrator	Principal Executive Officer (PEO)
Compliance and Monitoring	Quality Systems Manager Student Services
Author	RTO Manager
Responsibility	The RTO Manager will ensure that all staff are aware of the application, scope and use of this document and that the document is reviewed annually or if there are any updates to the National Code 2018 requiring an update. All staff will share the responsibility for the consistent use of this document pursuant to the RTO's policies and procedures.
RTO Contact Details	Level 3, 55/57 Wentworth Avenue, Sydney 2000 Australia Phone (02) 9119 3862



THE MANAGEMENT SCHOOL SYDNEY

MSS EDUCATION PTY LTD (ABN 32 604 489 161) | RTO CODE 41465 | CRICOS CODE 03485E
Level 3, 55-57 Wentworth Avenue Sydney NSW 2000 Australia
TEL/FAX: +61 2 9119 3862 EMAIL: enrol@tmss.edu.au WEBSITE: www.tmss.edu.au

	Fax (02) 9283 7588
Related Standards	Standards for Registered Training Organisations (RTOs) 2015, Standard 1, 1.1
Definitions	The College: The Management School Sydney National Code 2018: National Code of Practice for Providers of Education and Training to Overseas Students 2018
Contact Person for this Policy and Procedure	RTO Manager (02) 9119 3862
Publication Availability	This document is published in hard copy (available from the RTO Manager), in soft copy (available from Student Services and the RTO Manager) and on the college web site.

PREAMBLE

International students are required to undertake studies and complete those studies based on the expected duration of completion for a course. International students are also required to maintain a full study load. Registered providers may only enable students to defer or temporarily suspend their studies, including granting a leave of absence, during the course through formal agreement in certain limited circumstances.

PURPOSE

The purpose of this policy and procedure is to provide direction to College staff on the management of students to ensure completion of a course within the specified duration for international students and the implementation of college policies with regard to deferment, suspension or cancellation of study during enrolment.

POLICY AND PROCEDURES

1. The College monitors the progress of each student to ensure that he or she completes the course within the expected duration as specified on his or her confirmation of enrolment (CoE).
2. The College has in place documented procedures 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 MANAGEMENT SCHOOL SYDNEY

MSS EDUCATION PTY LTD (ABN 32 604 489 161) | RTO CODE 41465 | CRICOS CODE 03485E
Level 3, 55-57 Wentworth Avenue Sydney NSW 2000 Australia
TEL/FAX: +61 2 9119 3862 EMAIL: enrol@tmss.edu.au WEBSITE: www.tmss.edu.au

3. The College notifies the Department of Education and Training through PRISMS of the deferral or suspension of an overseas student's enrolment.
4. If the College defers or suspends an overseas student's studies for compassionate or compelling reasons, the College ensures that the student visa holder has a valid CoE in PRISMS with a start date that reflects the student's intended date of return to studies.
5. The Department of Home Affairs may cancel a student visa 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
6. The College informs overseas students that deferring, suspending or cancelling their enrolment on any grounds may affect their student visa.

There are three possible outcomes with respect to an overseas student's CoE:

- i. 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.
- ii. 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 which will affect the end date of the CoE. PRISMS will cancel the original CoE and immediately offer the College the opportunity to create a new CoE with a more appropriate end date. If the College 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.
- iii. The College notifies the Department of Education and Training through PRISMS that it wishes to **permanently cancel (terminate)** the overseas student's enrolment. Once this process is complete, the overseas student's CoE status will be listed as 'cancelled'.

Student-initiated deferrals, suspensions or cancellations of enrolment



THE MANAGEMENT SCHOOL SYDNEY

MSS EDUCATION PTY LTD (ABN 32 604 489 161) | RTO CODE 41465 | CRICOS CODE 03485E
Level 3, 55-57 Wentworth Avenue Sydney NSW 2000 Australia
TEL/FAX: +61 2 9119 3862 EMAIL: enrol@tmss.edu.au WEBSITE: www.tmss.edu.au

1. Students may apply to the college for deferment or suspension of their studies if they have good reason for doing so (compassionate or compelling circumstances). The college may choose to grant or decline any student's request for deferment or suspension of studies, in accordance with this documented procedures for assessing such requests.
2. Compassionate or compelling circumstances are generally those beyond the control of the student and which have an impact upon the student's course progress or wellbeing. These could include, but are not limited to:
 - A. Serious illness or injury, where a medical certificate states that the student was unable to attend classes
 - B. Bereavement of 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 requiring emergency travel and this has impacted on the student's studies; or
 - D. A traumatic experience which could include:
 - a. Involvement in, or witnessing of a serious accident; or
 - b. Witnessing 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)
 - E. Where the college is unable to offer a pre-requisite unit of study,
 - F. Inability to begin studying on the course commencement date due to delay in receiving a student visa.

Provider-initiated deferrals, suspensions or cancellations of enrolment

1. The College may suspend or cancel an overseas student's enrolment on the basis of, but not limited to:
 - misbehaviour by the overseas student;
 - the overseas student's failure to pay the required amount to undertake or continue the course as stated in the written agreement; or
 - a breach of course progress or attendance requirements by the overseas student.
2. The college may choose to temporarily suspend a student's enrolment if it deems the student's behaviour to be unacceptable for an educational setting. This is based on the Student Code of Conduct:

Student Code of Conduct

The college strives to be a socially-responsible, industry-leading and supportive educational institution. Students are at the heart of this vision. The college provides



THE MANAGEMENT SCHOOL SYDNEY

MSS EDUCATION PTY LTD (ABN 32 604 489 161) | RTO CODE 41465 | CRICOS CODE 03485E
Level 3, 55-57 Wentworth Avenue Sydney NSW 2000 Australia
TEL/FAX: +61 2 9119 3862 EMAIL: enrol@tmss.edu.au WEBSITE: www.tmss.edu.au

a safe, collegial learning environment sustained by student's commitment to self-responsibility and carrying on a sense of duty.

The college provides:

- A. A consultative approach to its services via its student services staff and student surveys
- B. High quality teaching by staff of high academic standing
- C. Clear assessments that are well-communicated to students
- D. Clear, fair and accessible policies and procedures
- E. A democratic environment in which students can freely express their opinions without fear of repercussion

The college, in return, expects students to:

- A. Allocate the appropriate degree of time and effort to learning and the completion of assessments
 - B. Bring to the attention of the college any issues that may impeded their study or that of others
 - C. Take responsibility for their study as mature and professional adults
 - D. Deal with others in a courteous and respectful manner
 - E. Maintain high levels of ethical conduct and academic integrity at all times
 - F. Respect different opinions, cultural norms and ways of life
 - G. Apply the principles of recognition of others' efforts and intellectual property
 - H. Be a responsible citizen and a catalyst for change for the better
3. The College will inform the student of its intention to suspend or cancel the student's enrolment where the suspension or cancellation is not initiated by the student and notify the student that he or she has **twenty (20) working days** to access the college 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).
4. If the student accesses the college internal complaints and appeals process, suspension or cancellation of the student's enrolment under this standard cannot take effect until the internal process is completed, unless exceptional circumstances relating to the welfare of the student apply (see item 8 below).



THE MANAGEMENT SCHOOL SYDNEY

MSS EDUCATION PTY LTD (ABN 32 604 489 161) | RTO CODE 41465 | CRICOS CODE 03485E
Level 3, 55-57 Wentworth Avenue Sydney NSW 2000 Australia
TEL/FAX: +61 2 9119 3862 EMAIL: enrol@tmss.edu.au WEBSITE: www.tmss.edu.au

5. If the College initiates suspension or cancellation of a student's enrolment, the provider will inform the student of its intention to notify the Department of Education of the change of enrolment status. The college will inform the student that he or she has twenty (20) working days in which to access the college internal complaints and appeals process. To 'access' the appeals process means to 'initiate' or 'start' the process – there is no guarantee that the process must be completed within twenty (20) working days. However, the process must commence **within ten (10) days** of the formal lodgement of the complaint or appeal.
6. If the student chooses to access the college appeals process, the college will maintain the student's enrolment until the internal appeals process is completed (and has supported the college's intention to suspend or cancel the student's enrolment). To 'maintain the student's enrolment' means the College will not notify the Department of Education of any change to the student's enrolment status through PRISMS.
7. The student may choose to access an external appeals process, but the college does not have to wait for the outcome of an external appeal before notifying the Department of Education of the change to the student's enrolment status.
8. Exceptional circumstances that would justify a notification of suspension or cancellation via PRISMS before the completion of an internal appeal process may include, but are not limited to, the following. The student:
 - i. Refuses to maintain approved care arrangements (only for students under 18 years of age)
 - ii. Is missing
 - iii. Has medical concerns, severe depression or psychological issues which lead the college to fear for the student's wellbeing
 - iv. Has engaged or threatens to engage in behaviour that is reasonably believed to endanger the student or others
 - v. Is at risk of committing a criminal offence

Any claim of extenuating circumstances will need to be supported by appropriate evidence.

9. The college will, in writing, inform the student that deferring, suspending or cancelling his or her enrolment may affect his or her student visa and will notify the Department of Education and Training via PRISMS as required under section 19 of the ESOS Act where the student's enrolment is deferred, temporarily suspended or cancelled.
10. Regardless of whether the suspension of enrolment is the result of a student request for suspension or a College-imposed suspension of enrolment, the period of suspension of enrolment (as entered in PRISMS) **will not** be included in **attendance monitoring calculations**.
11. The College is not required to continue providing learning opportunities throughout the twenty (20) working days or any subsequent period of appeal to the student. The



THE MANAGEMENT SCHOOL SYDNEY

MSS EDUCATION PTY LTD (ABN 32 604 489 161) | RTO CODE 41465 | CRICOS CODE 03485E
Level 3, 55-57 Wentworth Avenue Sydney NSW 2000 Australia
TEL/FAX: +61 2 9119 3862 EMAIL: enrol@tmss.edu.au WEBSITE: www.tmss.edu.au

college is free to decide whether it will continue to provide learning opportunities throughout the twenty (20) working days and any appeals process. Depending on each case, the college may decide to exclude a student from attending classes, but continue to provide work to complete outside of the classroom environment.

12. In making a decision about whether to continue to provide learning opportunities to the student, the college will take into account any adverse impacts exclusion from class may have on the student in the event that their appeal is accepted and they return to the program of study. The college will apply the principles of natural justice and the educational context in which its services are provided when making such a decision.

Copies of any documentation pertaining to Deferment, Suspension or Cancellation will be maintained in the student file.