



Award Academy Australia

Standard 9

**DEFERRING, SUSPENDING OR CANCELLING A
STUDENTS ENROLMENT**

1 PURPOSE

This policy outlines the requirements and procedures for Brisbane Academy of Horticulture (BCH) to assess, approve and record a deferment of the commencement of study or suspend or cancel a student's enrolment and the procedures on student request for deferment and suspension.

This policy has been developed to satisfy the requirements of The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018, known as 'the National Code 2018' Standard 9 – Deferring, suspending or cancelling a student's enrolment.

2 SCOPE

This policy applies to all overseas students' current and prospective students as well as those continuing study.

This policy is relevant to Award Academy Australia (the Academy) as a registered training organisation required by the regulators and Australian Department of Home Affairs to 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. i.e. compassionate or compelling circumstances.

3 DEFINITIONS

Course progress	The measure of advancement within a course towards the completion of that course irrespective of whether course completion is identified through academic merit or skill based competencies.
CRICOS	The Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) is the register prescribed under section 14A of the ESOS Act.
Designated State authority (DSA)	Has the meaning given in the ESOS Act.
Enrolment	Where the student has been issued with a CoE to confirm acceptance by the registered provider and is occupying a place in the CRICOS registered course for which the student was accepted and is progressing towards the completion of the course requirements. The period of enrolment includes scheduled breaks between study periods.
Overseas student	Has the meaning given in the ESOS Act.
PRISMS	The Provider Registration and International Student Management System (PRISMS) is the system used to process information given to the Secretary of DET by registered providers.
Student visa	Has the meaning given in the ESOS Act.
Study period	A discrete period of study within a course, namely term, semester, trimester, short course of similar or lesser duration, or as otherwise defined by the registered provider as long as that period does not

	exceed six months. See also 'Compulsory study period'.
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4 POLICY STATEMENT

The Academy can only defer or temporarily suspend the enrolment of a student on the grounds of:

- 1 Compassionate or compelling circumstances (e.g. illness where a medical certificate states that the student is unable to attend classes), or
- 2 Misbehaviour by the student.

Students may also have their enrolment suspended due to misbehaviour which can also be grounds for cancellation of studies.

Students have the right to appeal a decision by the Academy to defer, suspend or cancel their studies and the Academy will not notify DEPT. OF EDUCATION of a change to the enrolment status until the internal complaints and appeals process is completed.

4.1. Deferring a semester

Students who would like to defer their studies must first speak to the Academy Principal. An application to defer form must be completed which will need to be approved by the Principal. Prior to applying to defer their program students must ensure that they have paid any outstanding Academy fees.

Deferral of studies by international students is permitted only in compassionate or compelling circumstances such as serious illness, death in the family or for some other reason such as misbehaviour by the student.

Students will be required to provide evidence of the compassionate or compelling circumstances.

4.2. Student initiated course suspension

A student may seek to have its enrolment suspended. Any students who would like to suspend their studies must first speak to the Academy Principal. An application for suspension form must be completed which will need to be approved by the Principal.

Suspension of studies by international students is permitted only in compassionate or compelling circumstances such as serious illness, death in the family or for some other reason such as misbehaviour by the student.

Students will be required to provide evidence of the compassionate or compelling circumstances.

4.3. Failure to Start Course

Students who are unable to arrive and start their course on time as agreed or no later than seven (7) days of the agreed start date will have to apply to BCH to defer their studies.

4.4. Suspension due to Academic misconduct

All students are expected to maintain high standards of academic honesty and integrity. Academic misconduct is defined as attempts by students to cheat, plagiarise or otherwise act dishonestly in undertaking an assessment task, or assisting other students to do so. Students are considered guilty of cheating if they seek to gain advantage by unfair means such as copying another students' work, or in any way mislead a lecturer or tutor about their knowledge, ability, or the amount of original work they have done.

Student's responsibilities:

During Examinations

- Students must not help or receive assistance from other students
- Students must not request the loan of or lend materials or devices to other students
- Students must not bring any materials into the examination room other than those specified for that examination
- Students must not use computer software or other devices during an examination other than those specified.

A student may be excluded from an examination in a unit for any of the following reasons:

- unauthorised absence from class.
- failure to meet unit requirements, for example non-submission of assignments or failure to attend class or mid-semester tests.
- academic misconduct
- general misconduct (see below)

Other assessment tasks

- Students must not copy or paraphrase any document, audio-visual material, computer-based material or artistic piece from another source except in accordance with the conventions of the field of study
- Students must not use another person's concepts, results or conclusions and pass them off as their own
- In cases where the assessment task is intended to be individual work not group work, students must not prepare an assignment collaboratively and then submit work that is substantially the same as another student's assessment.
- Students must not ask another person to produce an assessable item for them.

The Academy's responsibilities:

Procedural fairness

- Students must be treated fairly, with dignity and with due regard to their privacy
- Students are to be regarded as innocent of the alleged misconduct until they have either admitted to it or been found by proper inquiry of the student conduct committee to have so behaved.
- Past misconduct is not evidence that a student has behaved in the same manner again.
- Each case is dealt with on its own merits and according to its own circumstances with the proviso that the first instance of misconduct will be penalised more leniently than subsequent instances of misconduct.

Penalties

Penalties imposed will consider the nature and the extent of the misconduct

A student's second offence is penalised more severely than their first offence and a third offence will result in exclusion from BNB International Academy.

The following penalties may be imposed: a warning, a reduction in grades, receiving zero for an assessment event, failing the unit, exclusion from BCH.

4.5.1 Notification and appeal

- 1 Students must be notified in writing of penalties as a consequence of academic misconduct.
- 2 The grounds for appeal are:
 - a) procedural irregularities, and/or

- b) factual errors on which the decision was based and which were of such magnitude as to invalidate the decision
- 3 Appeals must be lodged in writing with the Principal within 20 days of the date of the student being notified of the consequence.

4.6 General misconduct

Students are expected to respect other students, staff and property so that learning and teaching can take place freely, safely and without impediment due to the misconduct of others.

General misconduct is where a student: acts dishonestly; harasses other students or staff; interferes with students or staff; prevents or disrupts learning; disobeys/fails to comply with contractual or legal requirements; misuses, damages or steals Academy property or the property of others; alters/defaces Academy documents or records; prejudices the good name of BNB International Academy, or otherwise acts in an improper manner.

The BCH will report all criminal acts committed by its students to the relevant authorities.

The following examples indicate the kinds of behaviour which constitute student misconduct.

They are for illustrative purposes and are not intended to be exhaustive. Student misconduct may occur when a student:

- a) contravenes any rules or acts;
- b) prejudices the good name or reputation of BCH;
- c) prejudices the good order and governance of BCH or interferes with the freedom of other people to pursue their studies, carry out their functions or participate in the life of the Academy;
- d) fails to comply with conditions agreed in the contract;
- e) wilfully disobeys or disregards any lawful order or direction;
- f) refuses to identify him or herself when lawfully asked to do so by an officer of BCH;
- g) fails to comply with any penalty imposed for breach of discipline;
- h) misbehaves in a class, meeting or other activity under the control or supervision of the Academy, or on Academy premises or other premises to which the student has access as a student of BCH;
- i) obstructs any member of staff in the performance of their duties;
- j) acts dishonestly in relation to admission to BCH;
- k) knowingly makes any false or misleading representation about things that concern the student as a student of BCH or breaches any of BCH's rules;
- l) alters any documents or records;
- m) harasses or intimidates another student, a member of staff, a visitor to BCH, or any other person while the student is engaged in study or other activity as a Academy student, because of race, ethnic or national origin, sex, marital status, sexual preference, disability, age, political conviction, religious belief or for any other reason;
- n) breaches any confidence of BCH;
- o) misuses any facility in a manner which is illegal or which is or will be detrimental to the rights or property of others. This includes the misuse, in any way, of any computing or communications equipment or capacity to which the student has access at or away from BCH

premises while acting as a Academy student, in a manner which is illegal or which is or will be detrimental to the rights or property of others;

- p) steals, destroys or damages a facility or property of BCH or for which the Academy is responsible; or
- q) is guilty of any improper conduct.
- r) fails to attend and participate in classes regularly.

4.7 Penalties for general misconduct

1. Penalties imposed will take into account the nature and the extent of the misconduct
2. A student's second offence is penalised more severely than their first offence and a third offence will result in exclusion from BCH.

If the student admits to the alleged misconduct, the CEO / Principal may impose one or both of the following:

- a charge for the cost of damage to facilities and equipment
- temporary exclusion from BCH.

The Principal may then impose the penalty of permanent exclusion from BCH in the case of physical or verbal abuse of students or staff of BCH, repeated or severe misconduct, or in the case of criminal acts.

4.8 Financial Misconduct

Any student who fails to maintain up-to-date payments for their course will be seen as breaching their financial obligations. Any student who falls more than one month behind in their payments will be notified that if they do not make payment within 7 days, of all outstanding amounts, they will have their enrolment cancelled on the grounds of financial misconduct.

5.0 Notification and appeal

1. Students must be notified in writing of penalties as a consequence of general misconduct
2. The grounds for appeal are:
 - procedural irregularities, and/or
 - factual errors on which the decision was based and which were of such magnitude as to invalidate the decision
 - Appeals must be lodged in writing with the Principal within 20 days of the date of the student being notified of the consequence. The process will commence within 10 working days from the date of receipt of the student's appeal.

6.0 Procedure for recording deferrals – Exceptional Circumstance

- Student requests deferment of course studies
- Request made in writing and evidenced with a medical certificate or letter outlining the exceptional circumstances for which they are seeking a deferment
- Request to be assessed by Principal
- If circumstances deemed exceptional a deferment will be granted
- Student will be granted a deferment for 12 months before enrolment will be cancelled

- Circumstances not deemed exceptional will not be granted
- Academy reports student to Secretary of DEPT. OF EDUCATION via PRISMS

7.0 Staff and Student Awareness of Policy

All staff are provided with a copy of this policy at their initial induction. Students are provided with a copy of this policy in the International Student Handbook which is made available to them on line prior to enrolment and at their course induction.

Overview of Standard 9

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.

- 9.1 A registered provider must have and implement a documented process for assessing, approving and recording a deferment of the commencement of study or suspension of study requested by an overseas student, including maintaining a record of any decisions.
- 9.2 A registered provider may defer or suspend the enrolment of a student if it believes there are compassionate or compelling circumstances.
- 9.3 A registered provider may suspend or cancel a student's enrolment including, but not limited to, on the basis of:
 - 9.3.1 misbehaviour by the student
 - 9.3.2 the student's failure to pay an amount he or she was required to pay the registered provider to undertake or continue the course as stated in the written agreement
 - 9.3.3 a breach of course progress or attendance requirements by the overseas student, which must occur in accordance with Standard 8 (Overseas student visa requirements).
- 9.4 If the registered provider initiates a suspension or cancellation of the overseas student's enrolment, before imposing a suspension or cancellation the registered provider must:
 - 9.4.1 inform the overseas student of that intention and the reasons for doing so, in writing
 - 9.4.2 advise the overseas student of their right to appeal through the provider's internal complaints and appeals process, in accordance with Standard 10 (Complaints and appeals), within 20 working days.
- 9.5 When there is any deferral, suspension or cancellation action taken under this standard, the registered provider must:
 - 9.5.1 inform the overseas student of the need to seek advice from Immigration on the potential impact on his or her student visa
 - 9.5.2 report the change to the overseas student's enrolment under section 19 of the ESOS Act.
- 9.6 The suspension or cancellation of the overseas student's enrolment under Standard 9.3 cannot take effect until the internal appeals process is completed, unless the overseas student's health or wellbeing, or the wellbeing of others, is likely to be at risk.