



**GLOBAL COLLEGE AUSTRALASIA**

**POLICY**

**DEFERRING, SUSPENDING**

**OR CANCELLING**

**THE OVERSEAS STUDENT'S ENROLMENT**



**RTO No: 45088 | CRICOS Code: 03564F**



# GLOBAL COLLEGE AUSTRALASIA

RTO No. 45088 CRICOS CODE: 03564F

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## Table of Contents

Policy & Procedure - Deferring, suspending or cancelling the Overseas Student's enrolment .....	2
Purpose .....	2
Scope.....	2
Definitions .....	3
Policy.....	6
Procedure.....	11
Responsibility .....	12
Associated Documents .....	12
Related Standards .....	12
Version Control .....	12
APPENDIX: Misbehaviour by the student.....	13
Academic misconduct.....	13





## **Policy & Procedure - Deferring, suspending or cancelling the Overseas Student's enrolment**

### **Purpose**

This policy outlines how GCA appropriately manages the enrolment of overseas students and ensures all necessary information about enrolments has been provided to the relevant government department by maintaining updated information in the Provider Registration and International Student Management System (PRISMS) database. (National Code; ESOS Standard 9)

This policy outlines how a student's enrolment can be deferred, suspended or cancelled and includes:

- Assessing, approving and recording deferment of the commencement of study or suspension of study requested by an overseas student, or suspension or cancellation of an overseas student's enrolment by the registered provider.
- How the overseas student must be notified in writing of the intention to suspend or cancel their enrolment, and the reasons for doing so, and told to seek advice from the Australian Government Department of Home Affairs on the potential impact on their visa if enrolment has been deferred, suspended or cancelled.
- Advise the overseas student of their right to appeal through the provider's internal complaints and appeals policy and procedure.
- How a provider-initiated suspension or cancellation cannot take effect until the overseas student has been given a chance to complete an internal appeals process, unless the health or wellbeing, or the wellbeing of others, is likely to be at risk.
- In the event that a complaint and appeals process is initiated please note, in definitions, GCA's conditions regarding 'Support Person'; and
- How a change in enrolment will be reported on PRISMS within 31 days.

### **Scope**

This Policy applies to:

- All overseas students currently enrolled with GCA; and
- All Staff of GCA involved in the process of deferring, suspending or cancelling student enrolment.



**Definitions**

<b>Academic misconduct</b>	Academic misconduct is an attempt by students to cheat, plagiarise or otherwise act dishonestly in undertaking an assessment task, or assisting other students to do so.
<b>Appeal</b>	An appeal is an application by a complainant for reconsideration or review of an unfavourable decision or finding or investigation.
<b>ASQA</b>	Australian Skills Quality Authority (ASQA) is the national regulator for Australia's vocational education and training sector. ASQA regulates courses and training providers to ensure nationally approved quality standards are met.
<b>Cancellation of enrolment</b>	GCA can initiate cancellation of a student's enrolment for compelling or extenuating circumstances; or misbehaviour by the student; and other reasons as detailed in the Policy. Cancellation of an enrolment is permanent cessation of Student's enrolment. A Student whose enrolment has been cancelled is no longer a GCA Student and therefore cannot attend classes, submit assessment tasks or attend GCA events as a GCA Student.
<b>Cheating</b>	Cheating is the gaining of 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
<b>Moodle</b>	The online method of delivery enabling structured formal learning that emulates the classroom environment using a learning management system (LMS), Moodle, that allows face to face interaction between the trainer and students and participation in various training and assessment activities. For any avoidance of doubt, Moodle, may be offered to on-shore international students where classroom-based learning cannot be practically delivered due to extenuating/ exceptional circumstances (e.g. Government/Regulatory Authorities directives).
<b>Compassionate and compelling circumstances</b>	Circumstances generally those beyond the control of the overseas student and which may have an impact upon the overseas student's course progress or wellbeing. Students are required to provide verifiable documentary evidence.
<b>CRICOS</b>	Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS). CRICOS is an Australian Government website that lists all Australian education providers that offer courses to people study in Australia on Student Visas and the courses offered ( <a href="http://www.education.gov.au">The Australian Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) (education.gov.au)</a> ).
<b>CoE – Confirmation of Enrolment</b>	The Confirmation of Enrolment (CoE) is issued through PRISMS enabling a student to apply for a Student Visa. The CoE provides evidence of a student's enrolment with a provider registered on CRICOS. This evidence is required before the Department of Home Affairs (DoHA) will issue a Student Visa. The CoE contains information about the Provider, Agent (if involved), Course, and Duration of Study in which the student has enrolled ( <a href="http://www.internationaleducation.gov.au">User manual (internationaleducation.gov.au)</a> ).
<b>Deferral of Enrolment</b>	Deferment of an enrolment means temporary postponement in the commencement of a Course. Deferral may be initiated by a Student or GCA. The period of time for student-initiated deferral is up to a maximum of two time-tabled compulsory study periods. Please note that course intakes are offered subject to numbers so there is no guarantee that the course deferred will be offered at a later date or that the course curriculum will not have been subject to significant changes or processes during the deferral period.



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	<i>Students are advised to contact The Department of Home Affairs (DoHA) to determine if they must return home to their country of origin at <a href="https://www.homeaffairs.gov.au">https://www.homeaffairs.gov.au</a> .</i>
<b>Department of Education Skills and Employment (DEWR)</b>	Department of Employment and Workplace Relations (DEWR) – a Department of the Australian Government. The DEWR works to ensure Australians can experience the wellbeing and economic benefits that quality education, skills and employment provide ( <a href="https://www.DEWR.gov.au">https://www.DEWR.gov.au</a> ; <a href="https://www.DEWR.gov.au/international-education">https://www.DEWR.gov.au/international-education</a> ).
<b>Department of Home Affairs - DoHA</b>	Department of Home Affairs. The DoHA brings together Australia’s federal law enforcement, national and transport security, criminal justice, emergency management, multicultural affairs and immigration and border-related functions, working together to keep Australia safe. <a href="https://www.homeaffairs.gov.au/">https://www.homeaffairs.gov.au/</a>
<b>Distance/ On-line Learning</b>	Distance learning is an umbrella term that covers ways in which training can be provided by an GCA remotely to a student, without face-to-face contact at a site. Perhaps the most common and widely recognised example of this is ‘online learning’, though distance learning can also include ‘e-learning’ and ‘blended learning’. Online learning is where training is delivered primarily via the internet, commonly using a learning management system (LMS) and can be synchronous or asynchronous. <a href="https://www.asqa.gov.au/distance-learning">https://www.asqa.gov.au/distance-learning</a>
<b>ESOS Act</b>	Educational Services for Overseas Students Act as amended from time to time. <a href="https://www.DEWR.gov.au/esos-framework">https://www.DEWR.gov.au/esos-framework</a>
<b>General misconduct</b>	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 GCA’s property or the property of others; alters/defaces GCA’s documents or records; prejudices the good name of GCA, or otherwise acts in an improper manner.
<b>Learning Management System (LMS)</b>	An LMS provides a learning space online. GCA uses the LMS Moodle, which enables students and staff to access student support services information and forms, course materials, submit assessments, gain feedback, communicate, see grades and much more all by logging in to their very own online account.
<b>Misbehaviour</b>	To behave (oneself) in an inappropriate way
<b>Misconduct</b>	Behaviour not conforming to prevailing standards or laws; impropriety
<b>National Code</b>	National Code of Practice for Providers of Education and Training to Overseas Students 2018. The National Code is a legislative instrument made under the Education Services for Overseas Students Act 2000 (ESOS Act) and sets nationally consistent standards to support providers to deliver quality education and training to overseas students. <a href="#">National Code of Practice for Providers of Education and Training to Overseas Students 2018 - Department of Employment and Workplace Relations, Australian Government (DEWR.gov.au)</a>
<b>Plagiarism</b>	Plagiarism is the use of another person’s concepts, results or conclusions and passing them off as their own. Investigations into plagiarism will be handled in accordance with the complaints and appeals procedure and will follow the principles of natural justice and procedural fairness.



<b>PRISMS</b>	<p><b>Provider Registration and International Student Management System (PRISMS).</b> Through PRISMS, certain Australian Government agencies can monitor student compliance with visa conditions and provider compliance with the Educational Services for Overseas Students Act 2000 (ESOS Act). PRISMS is a secure system for providers to:</p> <ul style="list-style-type: none"> <li>• Issue ‘Confirmation of Enrolment’ (CoE) to students intending to study in Australia. The DoHA requires the CoE to issue a student visa; and</li> <li>• Report changes in overseas student course enrolment</li> </ul>
<b>Registrar</b>	A registrar is an official in an academic institution who handles student records
<b>Scholarship Reimbursement</b>	<p>At GCA a ‘spent scholarship’ amount relates to the amount a student has ‘used’ during their enrolment and is required to reimburse (pay back) GCA if a student cancels their enrolment or transfers out of GCA prior to completion of the final six months of the ‘Principal Course’ as per the Written Agreement. The spent scholarship amount is the difference between the full instalment fee less the amount actually paid (as per the scholarship awarded). A Spent Scholarship is normally required to be paid back to GCA.</p>
<b>Student</b> [International Student]	A student who is enrolled at GCA and includes both prospective students and enrolled students who are ‘overseas students’ as defined in the National Code and hold a student visa as defined by the ESOS Act, and to students of GCA who do not hold student visas and are studying off-shore; but does not include domestic students.
<b>Student Conduct Committee</b>	A committee comprising nominated senior internal staff convened for the purpose of assessing the alleged misconduct of the overseas student.
<b>Student Course Variation (SCV)</b>	Student Course Variation (SCV). The record a user with CoE Administrator access creates when they report a change to student information or changes to a student’s course via PRISMS ( <a href="http://www.internationaleducation.gov.au">User manual (internationaleducation.gov.au)</a> ).
<b>Student Visa</b>	Student visas are non-immigrant visas that do not require the holder to obtain citizenship. Any prospective student seeking higher education in another country must obtain a student visa for that country
<b>Support Person</b>	<p>The National Code Standard 10: Complaints and appeals, clause 10.2.4 refers to ensuring <i>the overseas student is given an opportunity to formally present his or her case at minimal or no cost and be accompanied and assisted by a support person, if necessary, at any relevant meetings.</i></p> <p>Please note Agents of any kind, Lawyers or anyone who has a perceived commercial interest are not permitted to attend as a Support Person, as they are considered to have a conflict of interest. <i>GCA is not obliged to meet or respond in any form (phone, email etc) to any request received from the agent, lawyer or similar seeking personal information which may be perceived to have a conflict of interest or any commercial interest whatsoever. Any disclosure of personal information to a third party would be governed under GCA’s Privacy Policy.</i></p>
<b>Suspension of enrolment</b>	<p>Once a course has commenced GCA or the student can initiate a suspension of their studies due to compassionate or compelling reasons. Please note that course intakes are offered subject to numbers so there is no guarantee that the course suspended will be offered at a later date or that the course curriculum will not have been subject to significant changes or processes during the suspension period.</p> <p><i>Students are advised to contact The Department of Home Affairs (DoHA) to determine if they must return home to their country of origin at <a href="https://www.homeaffairs.gov.au">https://www.homeaffairs.gov.au</a></i></p>



<b>Timetabled Compulsory Study Period/Term</b>	A period that normally reflects the Western Australian Government Education and Training term dates and breaks, for Schools. At GCA, one term normally aligns with one time-tabled compulsory study period. A timetabled <i>compulsory study period</i> is one in which the student must enrol unless granted a deferment or suspension from enrolment.
<b>Written Agreement</b>	Education providers are required by the ESOS Act to enter into a written agreement with each overseas student they enrol. The written agreement accepted by a student is a legal contract, under Australian law, between the student and the education provider. Written agreements can take any form provided they meet the requirements of the ESOS Act and the National Code. This means that an application form or a letter of offer could be the basis for the written agreement once it is signed or accepted by an overseas student.

[S = related ESOS Standard]

## Policy

### 1. General information: deferring suspending or cancelling the overseas student's enrolment

- 1.1 GCA has documented procedures for assessing, approving and recording
  - a. a deferment of the commencement of study or
  - b. suspension of study requested by the overseas student; or
  - c. cancellation of the overseas student's enrolment. [S9.1]
- 1.2 Students must submit verifiable documentary evidence when applying to defer, suspend or cancel their enrolment
- 1.3 GCA retains documentary evidence on the overseas student's file of the assessment of the application including maintaining a record of any decisions. [S9.1]
- 1.4 GCA responds to an overseas student's request, informing them if their application is successful or unsuccessful. If unsuccessful, appropriate reasons for refusal will be provided to the student. [S9.1]
- 1.5 Course deferment or suspension:
  - a. If a student wishes to defer or suspend (temporarily delay or postponement) commencement of studies, he/she should apply to GCA using the Form – Deferring, Suspending or Cancelling the Overseas Student's Enrolment.
  - b. A student can **only defer from a course prior to course commencement.**
- 1.6 Overseas student cancellation of enrolment:
  - a. If a student wishes to cancel (permanent cessation) studies, he/she should apply to GCA using the Form – Deferring, Suspending or Cancelling the Overseas Student's Enrolment.
  - b. A student may cancel his or her enrolment in the following circumstances:
    - i. Student ceases studies (must meet conditions as specified in Section 2.1 and 2.2 of this policy)
    - ii. Immigration cancels their visa
      - c. Such cancellation will be reported through PRISMS
      - d. Cancellation of an enrolment is permanent cessation of Student's enrolment. A Student whose enrolment has been cancelled is no longer a GCA Student.
- 1.7 GCA will inform the overseas student that deferring, suspending or cancelling his/her enrolment may affect his/her student visa.
- 1.8 Students should seek advice from the Australian Government Department of Home Affairs as to the potential impact on their visa, and [S9.5.1] at <http://www.homeaffairs.gov.au>
- 1.9 Students selected into GCA courses are eligible for deferment/suspension for compassionate or compelling circumstances and must provide evidence to support this.



- 1.10 The period of time for student-initiated deferral/suspension is up to a maximum of two time-tabled compulsory study periods.
- 1.11 Students are advised that course intakes are offered subject to numbers so there is no guarantee that the course deferred/suspended will be offered at a later date.
- 1.12 Students can only defer or temporarily suspend their enrolment on the grounds of:
- Compassionate or compelling circumstances [See Section 2: **Student initiated deferral, suspensions or cancellations of their enrolment** of this Policy & Procedure – *Deferring, suspending or cancelling the overseas student’s enrolment*]
- 1.13 If a student has not commenced their studies as per the CoE commencement date and has not notified GCA in writing, GCA will cancel the enrolment on non-commencement of studies and report via PRISMS the change to the overseas student's enrolment under section 19 of the ESOS Act within 31 days of the event occurring.
- 1.14 GCA may also initiate suspension or cancellation of a student’s enrolment for reasons outlined in Section 3: **Provider -initiated suspensions or cancellations of enrolment** of this Policy – *Deferring, suspending or cancelling the overseas student’s enrolment*.
- 1.15 Deferral, suspensions or cancellation of enrolment may affect the student’s Confirmation of enrolment (CoE)
- 1.16 Any Student Course Variation (SCV) reason before the expected enrolment completion date must be reported via PRISMS within 14 days where the student is under 18 years of age and within 31 days for a student above 18 years of age ([User manual \(internationaleducation.gov.au\)](#)).
- 1.17 GCA reports the change to the overseas student’s enrolment under section 19 of the ESOS Act. [S9.5.2]
- 1.18 The DoHA may cancel an overseas student visa if the deferral or suspension: - [S9 Fact Sheet]
- 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
- 1.19 The complainant lodging an appeal may be accompanied and/or assisted by a support person throughout the process. Agents of any kind, Lawyers or anyone who has a perceived commercial interest are not permitted to attend as a support person, as they are considered to have a conflict of interest.





## 2. Student initiated deferral, suspensions or cancellations of their enrolment

- 2.1 GCA may defer, suspend or cancel the enrolment of an overseas student if it believes there are compassionate or compelling circumstances. [S9.2] Provision of evidence determined to be 'compassionate or compelling' could include, but is not limited to:
1. Serious illness or injury, where a medical certificate states that the overseas student was unable to attend classes
  2. Bereavement of close family members such as parents or grandparents (where possible a death certificate should be provided)
  3. Major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the overseas student's studies; or
  4. A traumatic experience, which could include:
    - Involvement in, or witnessing or a serious accident; or
    - Witnessing or being the victim of a serious crime, and this has impacted on the overseas student (these cases should be supported by police or psychologist's reports).
  5. Student wishing to cancel their enrolment prior to the completion of 6 months of study in their principal course must have compelling or compassionate circumstances
- 2.2 For any approved deferral, suspension or cancellation, GCA will report via PRISMS the change to the overseas student's enrolment under section 19 of the ESOS Act within 31 days of the event occurring.
- 2.3 Students requesting to **cancel** their enrolment as per 2.1 a-e. above must:
- Provide evidence that the tuition fee is paid and up to date as per the student written agreement, and
  - If any scholarship was offered, Scholarships/Fee waiver/Fee Discount will be forfeited and the student will be liable to pay all /any of the balance of previous full tuition fee that is, payment of the difference between the full tuition fee and the scholarship paid and/or any other waived or discounted fee at a full fee rate, per the Student Written Agreement.
  - If enrolled student cancels their enrolment (student initiated) or GCA cancels the student's enrolment (provider initiated), the 'spent' scholarship becomes payable immediately and must be reimbursed to GCA.
  - A Student whose enrolment has been cancelled is no longer a GCA Student and therefore cannot attend classes, [including Moodle], submit assessment tasks or attend GCA events as a GCA Student.
- 2.4 If the request to **defer** the enrolment is approved the student:
1. Students are advised to contact The Department of Home Affairs (DoHA) to determine if they must return home if they are onshore prior to commencement of the course.
  2. Provide evidence that the tuition fee is paid and up to date as per the student written agreement, and
  3. If any scholarship was offered, Scholarships/Fee waiver/Fee Discount will be forfeited and the student will be liable to pay all /any of the balance of previous full tuition fee that is, payment of the difference between the full tuition fee and the scholarship paid and/or any other waived or discounted fee at a full fee rate, per the Student Written Agreement.
  4. The period of time for student-initiated deferral is up to a maximum of two time-tabled compulsory study periods.
  5. Please note that course intakes are offered subject to numbers so there is no guarantee that the course deferred will be offered at a later date or that the course curriculum will not have been subject to significant changes or processes during the deferral period.



- f. If the request to **defer** enrolment is approved, the student must:
- Contact GCA prior to the end of the defer or suspension period, and
  - Provide evidence of payment of Instalment Tuition Fee, on the instalment due date, prior to commencement of classes as per Written Agreement:
- 2.5 If the request to **suspend** the enrolment is approved the student:
- a. Students are advised to contact The Department of Home Affairs (DoHA) to determine if they must return home if they are on-shore.
  - b. Provide evidence that the tuition fee is paid and up to date as per the student written agreement, and
  - c. If any scholarship was offered, Scholarships/Fee waiver/Fee Discount will be forfeited and the student will be liable to pay all /any of the balance of previous full tuition fee that is, payment of the difference between the full tuition fee and the scholarship paid and/or any other waived or discounted fee at a full fee rate, per the Student Written Agreement.
  - d. The period of time for student-initiated suspension is up to a maximum of two time-tabled compulsory study periods.
  - e. Students are advised to contact GCA prior to their expected return.
  - f. Please note that course intakes are offered subject to numbers so there is no guarantee that the course deferred will be offered at a later date or that the course curriculum will not have been subject to significant changes or processes during the deferral period.
  - g. If the request to suspend enrolment is approved, the student must provide evidence of payment of Instalment Tuition Fee, on the instalment due date, prior to re-commencement of classes as per Written Agreement:
- 2.6 GCA will use professional judgement to assess each case on its individual merits and maintain documentary evidence in the overseas student's file.

### 3. Provider initiated suspensions or cancellations of enrolment

- 3.1 GCA may suspend or cancel a student's enrolment including, but not limited to, on the basis of: - [9.3]
- a. Misbehaviour by the student [S9.3.1] (see also Section 4: **Notification and appeal – misbehaviour by the student** of this Policy & Procedure– *Deferring, suspending or cancelling the overseas student's enrolment*; and Appendix – *Misbehaviour by the student*)
    - i. Academic misconduct
    - ii. General misconduct
    - iii. Criminal acts will be reported to the relevant authorities
  - b. The overseas student's failure to pay the required amount to undertake or continue the course as stated in the written agreement; [S9.3.2] or
  - c. A breach of course progress or attendance requirements by the overseas student, which must occur in accordance with ESOS Standard 8 Overseas student visa requirements. [S9.3.3]
- 3.2 Should GCA initiate suspensions or cancellations of enrolment the overseas student will be given a notice of intention to report and the reasons for doing so in writing and 20 working days to access GCA's internal complaints and appeals process. This notice and timeline will apply 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 a risk. [S9.4.1, S9.4.2]
- 3.3 If any scholarship was offered, Scholarships/Fee waiver/Fee Discount will be forfeited and the student will be liable to pay all /any of the balance of previous full tuition fee that is, payment of the difference between the full tuition fee and the scholarship paid and/or any other waived or discounted fee at a full fee rate, per the Student



Written Agreement. The spent scholarship amount is the difference between the full instalment fee less the amount actually paid (as per the scholarship awarded). A Spent Scholarship is normally required to be paid back to GCA.

- 3.4 If GCA cancels the student's enrolment (provider initiated), the 'spent' scholarship becomes payable immediately and must be reimbursed to GCA.
- 3.5 Generally, GCA will proceed with the 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 GCA will wait for both the internal and external complaints handling and appeals processes to be completed is for course progress and/or attendance breaches. [S9.6]
- 3.6 An overseas student will not be given the opportunity to appeal a provider-initiated suspension or cancellation of enrolment when the overseas student's health or wellbeing, or the wellbeing of others, is likely to be at risk. GCA will keep evidence to support this decision. This may include but is not limited to when the overseas student: [S9.6]
  - a. Is missing
  - b. Has medical concerns, severe depression or psychological issues which lead the provider to fear for the overseas student's wellbeing
  - c. Has engaged or threatens to engage in behaviour that is reasonably believed to endanger the overseas student or others; or
  - d. Is at risk of committing a criminal offence.

#### **4. Notification and appeal – misbehaviour by the student**

- 4.1 Students must be notified in writing of penalties as a consequence of their misbehaviour.
- 4.2 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.
- 4.3 Appeals must be lodged in writing to the Registrar within 20 working days of the date of the student being notified of the consequence.

#### **5. Reporting on PRISMS**

- 5.1 GCA will inform the DEWR via PRISMS when a student's enrolment is deferred, suspended or cancelled.
- 5.2 GCA will report student course variation reasons on PRISMS within 31 days of student leaving GCA for a student above 18 years of age.
- 5.3 If GCA advises the DEWR via PRISMS that a student's enrolment is being deferred or suspended for a period without affecting the end date of the CoE there is no change to the CoE or the student's enrolment status on PRISMS, that is, the student's CoE status will still be listed as 'studying'. However, the notice of deferment or suspension will be recorded in PRISMS and sent on to DOHA. This information will be kept for future reference.
- 5.4 If GCA advises the DEWR via PRISMS that it is deferring or suspending a student's enrolment for a period which will affect the end date of the CoE PRISMS will cancel the original CoE, and immediately offer GCA the opportunity to create a new CoE with a more appropriate end date.
- 5.5 If GCA does not know when the student will return, it can choose not to create a new CoE at that point, but to wait until the student has notified the provider of the intended date of return before creating the new CoE.
- 5.6 If GCA notifies the DEWR through PRISMS that it wishes to permanently cancel the student's enrolment then once this process is complete, the student's CoE status will be listed on PRISMS as 'cancelled'.



5.7 If the student appeals the decision to defer, suspend or cancel his or her studies, GCA will not notify the DEWR of a change to the student's enrolment status until the internal complaints and appeals process is completed.

## 6. Record Keeping

6.1 All records related to deferral, suspension, cancellation and the assessment of and decision regarding the requests will be kept on the overseas student's file for two years after the overseas student ceases to be an accepted student.

## 7. References

- [National Code of Practice for Providers of Education and Training to Overseas Students 2018 \(legislation.gov.au\)](http://legislation.gov.au)
- [Standard 9: Deferring, suspending or cancelling the overseas student's enrolment - Department of Education, Australian Government](#)
- [Standard 3: Formalisation of enrolment and written agreements - Department of Employment and Workplace Relations, Australian Government \(DEWR.gov.au\)](#)
- [Standard 10: Complaints and appeals - Department of Employment and Workplace Relations, Australian Government \(DEWR.gov.au\)](#)
- [Factsheet student written-agreements.pdf \(ombudsman.gov.au\)](#)
- [Education Fact Sheet Title \(internationaleducation.gov.au\)](#)
- [User manual \(internationaleducation.gov.au\)](#)

## Procedure

Responsible staff for relevant area (as per Organisational Chart) to process the procedure:

**Assess** – Review aspects of situation as applied to this policy and any other related policies and specific documentation to be completed (and where relevant advising students of requirements of same as required), including relevant timeframes and any reporting mechanisms.

**Plan** – Identify strategies and actions to be taken, including timeframe/s and relevant personnel.

**Implement** - Strategies and take actions in accordance with policy, associated information and documentation required, documentation where necessary

**Retain** documentation in accordance with policy, procedure and practices.

**Report** in relation to practice outcomes as related to policy and procedure.

**Review** – process with view for continuous improvement including reporting to relevant personnel



*Dissemination of information/updates relating to this policy and procedure is provided by THE Management, via electronic means and/or staff meetings. GCA policy and procedures are accessible to all staff via GCA internal repository system and /or via GCA webpage.*

**Responsibility**

The following parties are responsible for the implementation and adherence to this policy:

- DIRECTOR/CEO
- Student Support Supervisor
- Training Manager.
- Administration Team.

**Associated Documents**

Continuous Improvement & Quality Enhancement Procedure

**Related Standards**

- Standards for Registered Training Organisations (RTOs) 2015.
- Education Services for Overseas Students Act 2000 (ESOS Act)
- Education Services for Overseas Students Regulations 2019, and
- National Code of Practice for Providers of Education and Training to Overseas Students 2018.

**Version Control**

Version	Created by:	Date	Reason for Update	Reviewed by	Implementation Date
1.0	James Rayne	10/01/2022	New Format	Brodie Smith	24/01/2022
2.0	James Rayne	09/01/2023	Review Point	Brodie Smith	06/02/2023
3.0	Michelle Tilley	26/03/2024	New Format	Brodie Smith	03/04/2024

**Note: Must be after circulation to all stakeholders.**



## **APPENDIX: Misbehaviour by the student**

The following information provides information about behaviours that are not deemed appropriate in reference to ESOS Standard 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.

### **1. 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 student's work, or in any way mislead a Trainer and Assessor about their knowledge, ability or the amount of original work they have done.

#### **1.1 GCA's responsibilities:**

##### **1.1.1 Procedural fairness**

- a. Students must be treated fairly, with dignity and with due regard to their privacy
- b. 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 a student conduct committee to have so behaved.
- c. Past misconduct is not evidence that a student has behaved in the same manner again.
- d. 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.

##### **1.1.2 Penalties**

- a. Penalties imposed will take into account the nature and the extent of the misconduct
- b. A student's second offence is penalised more severely than their first offence and a third offence will result in exclusion from GCA
- c. The following penalties may be imposed: a warning, a reduction in grades, receiving zero for an assessment event, failing the unit, exclusion from GCA.

##### **1.1.3 Notification and appeal**

- a. Students must be notified in writing of penalties as a consequence of academic misconduct.
- b. Appeals must be lodged in writing with the Registrar within 20 days of the date of the student being notified of the consequence

##### **1.1.4 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.

### **2. General misconduct**

- 2.1 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.
- 2.2 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 GCA's property or the property of others; alters/defaces GCA's documents or records; prejudices the good name of GCA, or otherwise acts in an improper manner.



- 2.3 GCA will report all criminal acts committed by its students to the relevant authorities.
- 2.4 The following examples indicate the kinds of behaviour which constitutes student misconduct but is not an exhaustive list – student misconduct may occur when a student:
- a. Contravenes any rules or acts.
  - b. Prejudices the good name or reputation of GCA.
  - c. Prejudices the good order and governance of GCA or interferes with the freedom of other people to pursue their studies, carry out their functions or participate in the life of GCA.
  - 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/herself when lawfully asked to do so by an officer of GCA.
  - 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 GCA, or on GCA premises or other premises to which the student has access as a student of GCA.
  - i. Obstructs any member of staff in the performance of their duties.
  - j. Acts dishonestly in relation to admission to GCA.
  - k. Knowingly makes any false or misleading representation about things that concern the student as a student of GCA or breaches any of GCA's rules.
  - l. Alters any documents or records.
  - m. Harasses or intimidates another student, a member of staff, a visitor to GCA, or any person while the student is engaged in study or other activity as GCA's student, because of race, ethnic or national origin, sex, marital status, sexual preference.
  - n. Breaches any confidence of GCA.
  - 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 GCA premises while acting as a GCA 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 GCA or for which GCA is responsible; or
  - q. Is guilty of any improper conduct.
- 2.5 Procedural fairness
- a. Students must be treated fairly, with dignity and with due regard to their privacy
  - b. 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 a student conduct committee to have so behaved.
  - c. Past misconduct is not evidence that a student has behaved in the same manner again.
  - d. 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.
- 2.6 Penalties for general misconduct
- a. Penalties imposed will take into account the nature and the extent of the misconduct.
  - b. A student's second offence is penalised more severely than their first offence and a third offence will result in exclusion from GCA.
- 2.6 The Director may impose the penalty of permanent exclusion from GCA in the case of physical or verbal abuse of students or staff of GCA, repeated or severe misconduct, or in the case of criminal acts.
- 2.7 Students must be notified in writing of penalties as a consequence of general misconduct.
- 2.8 The grounds for appeal are:



# GLOBAL COLLEGE AUSTRALASIA

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**Website:** [www.globalcollege.edu.au](http://www.globalcollege.edu.au)

- 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.
- 2.9 Appeals must be lodged in writing to the Registrar within 20 working days of the date of the student being notified of the consequence.