



CHRISTIAN HERITAGE COLLEGE

POLICY: Cancellation of Enrolment for Overseas Students

Policy Group(s): Group C: Administration – 3: Students (Ref: C3/0707.1-0610)
Related Group: Group C: Administration – 1: Academic

Related Policy: Code of Conduct
Deferral for Overseas Students
Grievance Policy and Procedures for Overseas Students
Refund Policy for Overseas Students
Leave of Absence for Overseas Students
Time Limits for Course Completion

Commencement Date: July 2007 **Review Date:** June 2015

POLICY STATEMENT

Intent:

Christian Heritage College (CHC) recognises that the goals of overseas students alter throughout the period of their course of study and consequently it may be necessary for overseas students to withdraw from their course of study.

Formal application for withdrawal assists staff in tracking overseas students' movement and provides staff with a mechanism whereby accurate advice can be given in order to assist overseas students in the most appropriate ways to achieve their personal academic goals.

From time to time CHC may find it necessary to cancel the enrolment of an overseas student for reasons of gross misconduct. During those times clear communication regarding processes and the sets of circumstances which may result in the cancellation of an overseas student's enrolment is paramount.

Scope:

Restrictions: All Overseas students undertaking a course of study at CHC. Restrictions apply as per the *National Code 2007*.

Exclusions: Domestic Students

Objectives:

1. To provide clear guidelines concerning cancellation of enrolment for overseas students and staff.
2. To maintain compliance with any relevant legislation, regulations, guidelines or codes.
3. To facilitate a transparent process for cancellation of the enrolment of overseas students.
4. To provide clear guidelines for processing applications for withdrawal.
5. To provide clear guidelines for staff in processing the cancellation of an overseas student's enrolment in the event of gross misconduct.
6. To ensure compliance with the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007* (the National Code), specifically Standard 13.

Policy Provisions:

1. General

- 1.1 Withdrawal from a course of study at CHC is available to any overseas student at any time throughout their course of study.
- 1.2 An overseas student is considered to be enrolled at CHC when they have completed and returned the *Written Agreement* and paid any tuition and other fees.
- 1.3 The withdrawal date is the date upon which an online *Advice of Withdrawal* form is received at CHC and upon which all payments if applicable are made. An email or phone call cannot be considered as notification of intended withdrawal.
- 1.4 The *ESOS Act 2000* permits CHC to cancel the enrolment of a student for reasons of:
 - 1.4.1 misconduct; or
 - 1.4.2 failing to maintain satisfactory course progress.
- 1.5 All Library borrowing rights and access to CHC services are revoked when either an overseas student withdraws or the overseas student's enrolment is cancelled by CHC for reasons of misconduct.
- 1.6 If CHC cancels a student's enrolment the overseas student can access the *CHC Grievance Policy for Overseas Students*. Please see Section 4 below.

2. Withdrawal

- 2.1 An overseas student must formally advise CHC of their intention to withdraw.
- 2.2 If an overseas student is withdrawing from CHC in order to enrol at another registered provider within the first six months of their course of study, they must obtain a letter of release from CHC. Another registered provider is not permitted to enrol an overseas student who has not completed the first six months of their course of study with CHC without a letter of release.

3. Cancellation Initiated by CHC

- 3.1 CHC may become aware of gross misconduct by an overseas student through a range of circumstances and/or sources.
- 3.2 The accuracy of the information which leads to the possible cancellation of an overseas student's enrolment due to gross misconduct must be determined by CHC.
- 3.3 Such processes will include the overseas student being informed of the allegations of misconduct brought against them and at least one interview with the overseas student. This initial interview will be facilitated by the Academic Registrar or their delegate.
- 3.4 The overseas student for whom the cancellation of enrolment is proposed may be assisted by a third party at any time in this initial interview or any subsequent process.
- 3.5 An overseas student who is liable to pay the overseas student health cover, requests CHC to source the health cover on their behalf and fails to pay the charge to CHC by the due date, or fails to provide evidence that the charge has been paid:
 - 3.5.1 may have their enrolment cancelled by an authorised officer; and
 - 3.5.2 must not undertake study in any course until the charge has been paid.

4. Cancellation of Enrolment Arrangements

For Reasons of Gross Misconduct

- 4.1 Should the cancellation of an overseas student's enrolment be initiated by CHC for reasons of gross misconduct, CHC will notify the overseas student in writing of its intention to cancel their enrolment through the *Notice of Intent to Report* (see Appendix 1).
- 4.2 Upon receipt of this notification the overseas student has twenty (20) working days in which to access CHC's *Grievance Procedures for Overseas Students*.
- 4.3 If an overseas student accesses the *Grievance Procedures for Overseas Students* the overseas student's enrolment status remains active.
- 4.4 CHC will not report any cancellation of enrolment to the Department of Education via PRISMS within these twenty (20) working days or until the internal review process is completed should the overseas student choose to access it.
- 4.5 Should the overseas student choose to access an external review as provided for within the *Grievance Procedure for Overseas Students*, CHC may choose to report the cancellation to the Department of Education via PRISMS prior to the completion of the external review process as provided for within the *National Code 2007*.
- 4.6 If extenuating circumstances relating to the welfare of the overseas student apply, CHC may report the cancellation to the Department of Education via PRISMS prior to the completion of the internal review process. Please refer to the Supporting Procedures and Guidelines for examples of extenuating circumstances.
- 4.7 If CHC notifies the Department of Education through PRISMS that an overseas student's enrolment has been cancelled the overseas student must return to their home country unless special circumstances exist, for example, the overseas student is medically unfit to travel. While CHC determines the enrolment status of the overseas student it is DIBP who decides whether the overseas student may remain in Australia or must return home. DIBP's policy is that if an overseas student's enrolment is suspended for a period of 28 days or longer, the overseas student **must** return home, unless special circumstances exist.
- 4.8 An overseas student who has been notified of CHC's intention to cancel their enrolment may or may not be offered learning opportunities throughout the twenty (20) working days or any subsequent period of appeal.
- 4.9 Should either an internal or external review process find in the favour of the overseas student, CHC will not report the cancellation to the Department of Education via PRISMS.

For Reasons of Failing to Maintain Satisfactory Course Progress

- 4.10 Should the cancellation of an overseas student's enrolment be initiated by CHC for reasons of failing to maintain satisfactory course progress, CHC will notify the overseas student in writing of its intention to cancel their enrolment through the *Notice of Intent to Report* (see Appendix 1).
- 4.11 Upon receipt of this notification the overseas student has twenty (20) working days in which to access CHC's *Grievance Procedures for Overseas Students*.
- 4.12 If an overseas student accesses the *Grievance Procedures for Overseas Students* the overseas student's enrolment status remains active.

- 4.13 CHC will not report any cancellation of enrolment to the Department of Education via PRISMS within these twenty (20) working days or until the internal review process is completed should the overseas student choose to access it.
- 4.14 Should the overseas student choose to access an external review as provided for within the *Grievance Procedure for Overseas Students*, CHC may choose to report the cancellation to the Department of Education via PRISMS prior to the completion of the external review process as provided for within the *National Code 2007*.
- 4.15 If CHC notifies the Department of Education through PRISMS that an overseas student's enrolment has been cancelled the overseas student must return to their home country unless special circumstances exist, for example, the overseas student is medically unfit to travel. While CHC determines the enrolment status of the overseas student it is DIBP who decides whether the overseas student may remain in Australia or must return home. DIBP's policy is that if an overseas student's enrolment is suspended for a period of 28 days or longer, the overseas student **must** return home, unless special circumstances exist.
- 4.16 An overseas student who has been notified of CHC's intention to cancel their enrolment may or may not be offered learning opportunities throughout the twenty working days or any subsequent period of appeal.
- 4.17 Should either an internal or external review process find in the favour of the overseas student, CHC will not report the cancellation to the Department of Education via PRISMS.

5. Financial Penalties for Withdrawal by a Student

- 5.1 Applications for withdrawal prior to the census date of a semester attract a withdrawal fee. This fee is published by October 1 in each preceding year and this information is available on the CHC website.
- 5.2 Withdrawal from a course of study at CHC after the Census date incurs the full payment of all tuition fees for all the units in which the overseas student is enrolled in that semester. Please refer to Section 4 of the Supporting Procedures and Guidelines for further information.
- 5.3 A withdrawal from a course of study at CHC will not be processed until all outstanding monies such as Library fines or late fees are paid. If payment of such fees is not made prior to the Census date, the overseas student is liable for the full tuition fee.

6. Financial Penalties for the Cancellation of Enrolment by CHC

- 6.1 If CHC cancels the enrolment of an overseas student at any point in the semester for reasons of gross misconduct, no refunds will be given.
- 6.2 If a decision is made not to provide learning opportunities to the overseas student during the twenty working days and any subsequent appeal process and the appeal finds in the favour of the overseas student no refunds will be given. However, if it is impracticable for an overseas student to complete the requirements of a unit(s) due to the reduced or withdrawn learning opportunities, the overseas student will be permitted to undertake this specific unit(s) or comparable unit(s) in a subsequent semester free of charge.
- 6.3 If CHC cancels the enrolment of an overseas student at the end of a semester for reasons of failing to maintain satisfactory course progress, refunds will be made for any tuition fees paid for the subsequent semester.

7. Academic Penalties for Withdrawal by a Student

7.1 Academic penalties apply to withdrawals which occur after the Census date in any semester and these are recorded on the overseas student's Academic Transcript as follows:

7.1.1 Withdrawal prior to the commencement of the semester – no unit(s) recorded;

7.1.2 Withdrawal prior to the census date – no record of enrolment in the unit(s);

7.1.3 Withdrawal between Weeks 5 and 8 (inclusive) – W (Withdraw); and

7.1.4 Withdrawal between Weeks 9 and 16 (inclusive) – WF (Withdraw Fail).

8. Academic Penalties for Cancellation of Enrolment by CHC

8.1 Academic penalties apply to the cancellation of enrolment by CHC for reasons of gross misconduct and this applies regardless of when in the semester the cancellation occurs. A WF (Withdraw Fail) will be recorded on the overseas student's Academic Transcript for all units in which the overseas student is enrolled at the time of the cancellation.

9. Communication

9.1 Overseas Students must complete and submit the *Advice of Withdrawal* form available on the CHC website.

9.2 After the withdrawal has been processed, the Academic Registrar's Office will inform the overseas student in writing and a copy of this letter will be placed on the overseas student's file.

9.3 CHC will advise overseas students whose enrolment has been cancelled that this may affect their student visa and to contact DIBP for further information.

9.4 CHC will notify the Department of Education through PRISMS of the withdrawal as required under section 19 of the *ESOS Act 2000*.

9.5 Should the cancellation be initiated by CHC for reasons of gross misconduct, CHC will notify the overseas student in writing of its intention to cancel the overseas student's enrolment. Upon receipt of this notification the overseas student has twenty (20) working days in which to access CHC's *Grievance Procedures for Overseas Students*. Please refer to Section 4 above.

Supporting Procedures and Guidelines:

1. Definition

1.1 Cancellation of an overseas student's enrolment can be initiated either by the overseas student, known as a withdrawal, or by CHC for reasons of failure to maintain satisfactory course progress or gross misconduct.

2. Application for Withdrawal

2.1 The student is to complete an *Advice of Withdrawal* form available on the CHC website.

2.2 The student is to ensure the payment of any outstanding monies such as library fines if applicable.

2.3 The student will be notified in writing when the withdrawal has been processed.

3. Examples of Extenuating Circumstances (as noted in the *National Code 2007*)

- 3.1 The student is missing.
- 3.2 The student has medical concerns, severe depression or psychological issues which lead CHC to fear for the student's well-being.
- 3.3 The student has engaged or threatens to engage in behaviour that is reasonably believed to endanger the student or others.
- 3.4 The student is at risk of committing a criminal offence.
- 3.5 Any claim of extenuating circumstances will need to be supported by appropriate evidence.

4. Financial Implications

Financial and academic penalties apply if the advice of withdrawal is made after the census date for a current semester and for the balance of that semester. Please refer to the table below and contact the Academic Registrar's Office if you require further clarification.

Date of Interruption to Study	Transcript Entry	Tuition Fees Payable
Prior to Census Date (end of Week 4)	Nil	Nil
Weeks 5 to 8 (inclusive)	W – Withdraw	Full tuition fees payable
Weeks 9 to end of semester	WF – Withdraw Fail	Full tuition fees payable

Students should note that there may be administrative fees payable. These are indicated in the *Fees and Charges* document on the CHC website.

5. Staff Procedure for Processing an *Advice of Withdrawal* Form

- 5.1 Upon receipt of an *Advice of Withdrawal* form, Student Administration will advise the School and the Academic Registrar.
- 5.2 The Academic Registrar will consider the application in the light of the *National Code 2007*. The only consideration by the Academic Registrar will be administrative. If the overseas student has not completed the first six months of their course of study and intends to transfer to another provider, a letter of offer from the provider must be cited before a letter of release is generated.
- 5.3 A copy of this letter of offer will be placed on the overseas student's file and a letter of release from CHC will be generated.
- 5.4 The Academic Registrar will notify the Department of Education via PRISMS of the cancellation of the overseas student's enrolment.
- 5.5 The Academic Registrar will communicate the outcome of the application to the overseas student including advice that the withdrawal may have implications for the overseas student's visa and that they should contact DIBP for further advice and place a copy of that letter on the overseas student's file.
- 5.6 Student Administration will note the withdrawal in the Student Management System and will notify the Library.
- 5.7 The Library will make the adjustments on the Library Management System and borrowing rights will be revoked.

- 5.8 Student Administration will withdraw the student from any Moodle™ units in which the student is enrolled and, if applicable, notify the School practicum coordinator who will withdraw the student from any planned or arranged practicum placements.
- 5.9 The Vice President – Advancement and Operations will assess the withdrawal of enrolment in the light of the *Refund Policy for Overseas Students*.

6. Staff Procedure for Cancellation for Reasons of Gross Misconduct

- 6.1 When a member of CHC staff becomes aware of possible grounds for cancellation based on gross misconduct they must contact the Academic Registrar's office.
- 6.2 Upon receipt of information regarding the possible ground for cancellation of an overseas student's enrolment, the Academic Registrar will convene a panel of at least three staff members. The panel will facilitate any investigation and ensure compliance with the relevant legislation, guidelines and codes.
- 6.3 The panel will determine the accuracy of the information leading to the proposed cancellation of a student's enrolment which will include interviewing the student and any other source as deemed appropriate or necessary.
- 6.4 The CHC Code of Conduct will be the guiding framework in considering the possible grounds for cancellation.
- 6.5 Each case will be considered on its merits.
- 6.6 During this initial phase the student will have access to learning opportunities.
- 6.7 If a decision is made not to cancel the overseas student's enrolment, it is at the discretion of the panel whether or not to maintain a confidential record of the process on the overseas student's file. The overseas student will be informed of both the decision not to suspend and whether or not a confidential record of the process has been placed on their file.
- 6.8 Should a decision be made to cancel the overseas student's enrolment for reasons of gross misconduct, the Academic Registrar will notify the overseas student in writing of the intention to cancel. Upon receipt of this notification the overseas student has twenty (20) working days in which to access CHC's *Grievance Procedures for Overseas Students*.
- 6.9 The panel will determine whether or not the overseas student is to be offered learning opportunities throughout the twenty (20) working days or until the internal review process is completed should the overseas student choose to access it.
- 6.10 The Academic Registrar will not report any cancellation to the Department of Education via PRISMS within these twenty (20) working days or until the internal review process is completed should the overseas student choose to access it.
- 6.11 Should the overseas student choose to access an external review as provided for within the *Grievance Procedure for Overseas Students*, the panel may recommend to the Academic Registrar whether or not to report the cancellation to the Department of Education via PRISMS prior to the completion of the external review process as provided for within the *National Code 2007*.
- 6.12 If extenuating circumstances relating to the welfare of the overseas student apply, the panel may recommend that the Academic Registrar report the cancellation to the Department of Education via PRISMS prior to the completion of the internal review process. Section 3 above provides examples of extenuating circumstances.

- 6.13 Should either an internal or external review process find in the favour of the overseas student, the Academic Registrar will not report the cancellation to the Department of Education via PRISMS.
- 6.14 If a decision is made not to provide learning opportunities to the overseas student during the twenty (20) working days and any subsequent appeal process and the appeal finds in the favour of the student:
- 6.14.1 the Academic Registrar will issue a new CoE as required;
- 6.14.2 no refunds will be given. If it is impracticable for an overseas student to complete the requirements of a unit(s) due to the reduced or withdrawn learning opportunities, the overseas student will be permitted to undertake this specific unit(s) or comparable unit(s) in a subsequent semester free of charge.
- 6.15 If a decision to cancel the overseas student's enrolment is made and
- 6.15.1 the overseas student does not contest the decision; OR
- 6.15.2 any appeal upholds the original decision to suspend,
- The Academic Registrar will report the cancellation to the Department of Education via PRISMS.
- 7. Staff Procedure for Cancellation for reasons of Failing to Maintain Satisfactory Course Progress**
- 7.1 In the case of an overseas student failing to maintain satisfactory course progress, CHC will notify the overseas student in writing of its intention to cancel their enrolment through the *Notice of Intent to Report* (see Appendix 1).
- 7.2 Upon receipt of this notification the overseas student has twenty (20) working days in which to access CHC's *Grievance Procedures for Overseas Students*.
- 7.3 If an overseas student accesses the *Grievance Procedures for Overseas Students* the overseas student's enrolment status remains active.
- 7.4 CHC will not report any cancellation of enrolment to the Department of Education via PRISMS within these twenty (20) working days or until the internal review process is completed should the overseas student choose to access it.
- 7.5 Should the overseas student choose to access an external review as provided for within the *Grievance Procedure for Overseas Students*, CHC may choose to report the cancellation to the Department of Education via PRISMS prior to the completion of the external review process as provided for within the *National Code 2007*.
- 7.6 An overseas student who has been notified of CHC's intention to cancel their enrolment may or may not be offered learning opportunities throughout the twenty (20) working days or any subsequent period of appeal.
- 7.7 Should either an internal or external review process find in the favour of the overseas student, CHC will not report the cancellation to the Department of Education via PRISMS.
- 7.8 After all complaints and appeals processes are finalised and an overseas student is deemed to have failed to maintain satisfactory course progress, CHC must report this to the Department of Education via PRSIMS. CHC will print a Section 20 notice which is generated by PRISMS, give this to the student and place a copy on the overseas student's file.

7.9 If CHC notifies the Department of Education through PRISMS that an overseas student's enrolment has been cancelled the overseas student must return to their home country unless special circumstances exist; for example, the overseas student is medically unfit to travel. While CHC determines the enrolment status of the overseas student it is DIBP who decides whether the overseas student may remain in Australia or must return home. DIBP's policy is that if an overseas student's enrolment is suspended for a period of 28 days or longer, the overseas student **must** return home, unless special circumstances exist.

WHO SHOULD KNOW THIS POLICY?

Students
Deans
Academic Staff
Academic Administration Staff
Business Office Staff – Financial Management/Fees

POLICY FURTHER INFORMATION

Relevant Commonwealth/State Legislation	ESOS Act 2000 ESOS Regulations 2001 National Code 2007 Education (Overseas Students) Act 1996 Education (Overseas Students) Regulation 1998
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ACCOUNTABILITIES

Implementation:	Academic Registrar
Compliance:	Academic Registrar
Monitoring and Evaluation:	Academic Registrar
Development/Review:	Academic Registrar
Approval Authority:	CHC CEO
Interpretation and Advice:	Academic Registrar's Office

EFFECTIVENESS OF THIS POLICY

Performance Indicators:	• The number of cancellations	
Other	Nil	
Definitions and Acronyms:	Census Date CHC	The date by which all students must finalise their enrolment details with CHC. This date is published on the CHC website by 1 October 1 for Semester 1 and by April 1 for Semesters 2 and 3. Christian Heritage College

CoE	Confirmation of Enrolment (accessed through PRISMS)
COM	Committee of Management
Department of Education	Commonwealth Department of Education and Training
DIBP	Department of Immigration and Border Protection
ESOS Act 2000	Education Services for Overseas Students Act 2000
PRISMS	Provider Registration and International Students Management System

APPROVAL – section maintained by the Director of Quality and Standards

Reference No.	Approved	Date	Committee/Board	Resolution No. / Minute Ref.
C3/0707.1	Yes	09/08/2007	Committee of Management	4.4

REVISION HISTORY – section maintained by the Director of Quality and Standards

Revision Reference No.	Approved/ Rescinded	Date	Committee/Board	Resolution No. / Minute Ref.
0907	Approved	12/07/2007	Committee of Management	4.4
0610	Approved	29/06/2010	CHC CEO	4
0415	Approved	28/04/15	CHC CEO	

Appendix 1: Notice of Intention to Report



CHRISTIAN HERITAGE COLLEGE

<insert address >

Dear <student first name>

Student ID: <insert number>

COURSE DETAILS: <Course name and Codes>

URGENT: NOTICE OF INTENTION TO REPORT FOR UNSATISFACTORY COURSE PROGRESS

When you commenced your course with Christian Heritage College you signed a Written Agreement that you would abide by your visa conditions including maintaining satisfactory course progress as required by Australian legislation for holders of student visas including: The *ESOS Framework: Education Services for Overseas Students Act 2000 and National Code* and CITA policies and procedures.

You have been required to attend two Review of Academic Progress (RAP) interventions on <insert date> and again on <insert date>. The letters requiring you to attend the RAP advised you were at risk of breaching your student visa conditions for Course Progress. You were also provided with another copy of the *Course Progress for Overseas Students* policy.

<insert what has taken place since>

As you are aware under the CHC *Course Progress for Overseas Students* policy, a student has made unsatisfactory progress if they have not successfully completed or demonstrated competency in at least 50% of the units of competency within a study period. Further, as per our policy, if you fail over two consecutive study periods you must be reported to Department of Immigration and Border Protection (DIBP).

As you have been assessed as making unsatisfactory progress in a second consecutive compulsory study period, this letter is to formally advise you have breached your student visa requirements to maintain satisfactory course progress.

Therefore, in accordance with CHC's *Course Progress for Overseas Students* policy we must now inform you of the CHC's intention to report you to the Department of Immigration and Border Protection (DIBP) for unsatisfactory progress over two consecutive study periods.

<insert details of the units the student has failed etc>

Despite the intervention strategies and assistance offered, you have not taken necessary action to improve your academic performance.

If you think there are reasons why you should not be reported, you may appeal against CHC's decision if you believe one of the following has happened:

1. The School has not recorded or calculated your results correctly.
2. There are compassionate or compelling reasons which have contributed to your unsatisfactory progress that *have not yet been considered*;
3. The School has not implemented CHC's intervention strategy in accordance with our policy and procedures.

Attached is the Grievance Policy for Overseas Students policy.

You have 20 working days commencing from <insert date> appeal this action. If the appeals process is initiated, CHC will maintain your enrolment until the appeals process is complete as per our policy.

If following receipt of this intention to report letter you choose not to initiate an appeal within 20 working days of issue of this warning, or if your appeal is unsuccessful; you will be reported DIBP for Unsatisfactory Course Progress via PRISMS. This may result in DIBP cancelling your student visa.

You should contact DIBP to ensure you understand the implications to your student visa in full.

DIBP Brisbane:

Phone 131 881

Street address: Ground Floor, 299 Adelaide Street, Brisbane QLD 4000

9 am to 4 pm Monday to Friday <http://www.immi.gov.au/contacts/telephone.htm>

If you wish to discuss this further, please make an appointment with the Director of Student Services Mr Troy Walsh (TWalsh@chc.edu.au). You can bring a support person if you wish.

Kind regards

Darren Lloyd

Academic Registrar