



Deferral Suspension and Withdrawal Policy	
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Approver	Chief Executive Officer
Responsible Officer	Group Manager, Services
Contact Officer	Group Manager, Services
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Policy Approval

Approver	Responsible Officer	Policy Officer
Laurie Pearcey	Vicki Drewe	Hayley Alderton
Date:9/11/2020	Date:2/10/2020	Date:6/11/2020

1 Background

UNSW College has obligations under the Education Services for Overseas Student Act 2000 (Cth) (the “**ESOS Act**”), which regulates the delivery of education and training courses to students who come to Australia to study on a student visa. One of the functions of the ESOS Act is to set up a National Code, which provides standards for all registered providers including UNSW College.

Standard 9 of the ESOS National Code 2018 provides that international students on student visas can apply to defer commencement of their course or temporarily suspend their enrolment once they have commenced studies in certain limited compassionate and compelling circumstances.

2 Purpose

This policy is in place to ensure correct and sufficient information is provided to students and staff regarding the grounds on which a student’s enrolment may be deferred, suspended, or withdrawn.

3 Scope

This policy applies to:

- (a) all students in UNSW Foundation Studies (FS) and UNSW Institute of Languages (UNSWIL); and
- (b) all staff involved in the promotion, recruitment, admission, academic delivery, management or administration of students.

In relation to Diploma programs, please refer to UNSW Sydney’s policy framework and any associated local processes.

4 Definitions

AHPRA means the Australian Health Practitioner Regulation Agency.

ESOS Act means the Education Services for Overseas Students Act 2000 (Cth).

Deferral means officially postponing the commencement of a course for a period of time.

DIBP means the Department of Immigration and Border Protection.

Misbehaviour means any behaviour of a student which is in breach of UNSW’s Student Code of Conduct or as set out in [UNSW College’s Student Misconduct Policy](#).

NAATI means the National Accreditation Authority for Translators and Interpreters.

National Code means the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students established under the ESOS Act.

Suspension means a period of time during which the student does not participate in his or her program of study, can be initiated by the student or UNSW College.

Withdrawal means the termination of a student’s enrolment(s) with UNSW College.

5 Policy Statement

It is intended that each UNSW College program will be undertaken continuously to completion. However, UNSW College recognises that unforeseen circumstance may necessitate temporary interruption or termination of a student's study.

In the case where a deferral, suspension or withdrawal is required, UNSW College will ensure its decisions are made in accordance with the assessment process outlined in paragraph 6.

5.1 Staff obligations

When processing requests for deferral, suspension or withdrawal staff must:

- (a) ensure that the form has been completed in full;
- (b) determine if the reasons for change, and the evidence submitted, are based on compassionate or compelling grounds, as set out in paragraph 6.1;
- (c) if a student is under 18 years of age, follow additional process as set out in the Under 18 Student Policy and Procedure;
- (d) notify the student, in writing, of the outcome of the request for change;
- (e) notify the government sponsor of the outcome of request for change, if applicable; and
- (f) notify the Department of Education via the Provider Registration and International Student Management System (PRISMS) of the change in the enrolment, if applicable.

5.2 Student's obligations

When submitting a request for a deferral, suspension or withdrawal:

- (a) Overseas students, who are on a student visa, must be advised that any deferral, suspension or withdrawal of their course may affect their student visa;
- (b) Students wishing to change their enrolment must complete a relevant application form:
 - (i) for deferral, a "Deferral or change of course form";
 - (ii) for suspension, a "Temporary suspension form";
 - (iii) for withdrawal, a "Application to withdraw";
- (c) Students must give reasons for their request and provide sufficient documentary evidence to support their application. Examples include medical reports such as those referred to in section 6.1 (d), a visa refusal letter or a visa cancellation notification;
- (d) If a student is under 18 years of age, evidence of a parent or legal guardian supporting the request must be provided, in accordance with the Under 18 Student Policy; and
- (e) If a student is sponsored by a government sponsor, evidence of the sponsor supporting the request must be provided.

6 Assessment process

The deferral, temporary suspension or withdrawal of enrolment request initiated by a student may only be effected through formal agreement in certain limited compassionate or compelling circumstances, as set out in paragraph 6.1. A deferral request can also be considered under circumstances as set out in paragraph 6.2.

All supporting documents must be written in English or translated into English by a NAATI accredited translator or appropriate alternatives.

6.1 Compassionate or Compelling circumstances

Compassionate or compelling circumstances are generally circumstances beyond the control of the student and which have an impact upon the student's course progress or wellbeing. They could include, but are not limited to:

- (a) serious illness or injury of a student, which must be evidenced by a medical certificate from an AHPRA registered practitioner, stating that the student was unable to attend classes. In exceptional circumstances, or where the student is offshore, other medical evidence may be accepted at UNSW College's sole discretion;
- (b) death or serious illness of a close family member such as a parent or grandparent. This requires a supporting document such as a death certificate which is written in English or is translated into English by a NAATI accredited translator or appropriate alternatives; or
- (c) major political upheaval or natural disaster in the home country requiring emergency travel by the student that is, or is likely to have, an impact on the student's ability to continue or commence their studies; or
- (d) a traumatic experience where a student is victim of, or a witness to, a serious accident or crime, and these experiences have impacted on the student. In this case, a hospital report, police report or an AHPRA registered health practitioner's report should be provided. In exceptional circumstances, or where the student is offshore, other medical evidence may be accepted at UNSW College's sole discretion; or
- (e) where UNSW College was unable to offer a course; or
- (f) inability to begin studying on the course commencement date due to delay in receiving a student visa; or
- (g) the student's visa being cancelled by the Department of Immigration and Border Protection (DIBP) due to reasons other than breaching student visa conditions.

6.2 Failure in a pre-requisite course

A deferral request may be considered due to the student's inability to start a course because of their failure in a pre-requisite course, but only where the following conditions are satisfied:

- (a) the student's attendance is satisfactory as defined in the Attendance Monitoring Policy (unless there is compassionate and compelling evidence for unsatisfactory attendance); and

- (b) the student has completed all coursework and assignments (unless there is compassionate and compelling evidence for not having done so).

Note: As a general guide, the maximum number of chances to repeat most courses is two, but for some courses such as the Foundation English Entry Course (FEEC) and University English Entry Course (UEEC), the maximum number of chances to repeat the course is one. Please refer to the Repeat Procedure within the relevant Student Handbook or contact the Admissions and Enrolment Team.

6.3 Deferral

Student initiated deferral

If a student wishes to defer commencement of their UNSW Foundation Studies or UNSW Institute of Languages course to a later intake:

- (a) they must make an application for deferral of the course by completing a “Deferral or change of course form”, including all supporting evidence and submit the completed form to admissions@unswcollege.edu.au;
- (b) they must provide written evidence of compassionate or compelling circumstances as set out in paragraph 6.1 or meet the conditions as set out in paragraph 6.2:
 - (i) the period of time for which a student will be permitted to defer their studies is a maximum of twelve (12) months. However, the student must still meet the UNSW College entry requirements for the applied program; and
 - (ii) if there are changes in fees, the student must pay for the difference in fees; and
 - (iii) if a student wishes to defer their studies to a date that is longer than twelve (12) months, deferral is not permitted and the student must re-apply for admission.
- (c) the student will be advised of UNSW College’s decision in writing, and a record will be kept in student’s file.

Provider initiated deferral

In accordance with the National Code, UNSW College can temporarily defer a student’s enrolment on the ground of:

Misbehaviour by the student (which will include any behaviour of a student which is in breach of UNSW’s Student Code of Conduct or as set out in [UNSW College’s Student Misconduct Policy](#)).

6.4 Suspension

Student initiated suspension

If a student wishes to temporarily suspend their UNSW Foundation Studies or UNSW Institute of Languages course:

- (a) they must make an application for suspension of the course by completing a “Temporary suspension form”, including all supporting evidence and submit the completed form to enquiries@unswcollege.edu.au;
- (b) they must provide evidence of compassionate or compelling circumstances which are set out in paragraph 6.1;
- (c) the period of time for which a student will be permitted to suspend their studies is dependent on the program; and
- (d) the student will be advised of UNSW College’s decision in writing, and a record will be kept in student’s file.

Provider initiated suspension

In accordance with the National Code, UNSW College can temporarily suspend a student’s enrolment on the ground of:

Misbehaviour by the student (which will include any behaviour of a student which is in breach of UNSW’s Student Code of Conduct or as set out in [UNSW College’s Student Misconduct Policy](#)).

In the first instance of suspension initiated by UNSW College, the period cannot exceed fourteen (14) days.

6.5 Withdrawal

Student initiated withdrawal

- (a) Students wishing to terminate their enrolment(s) with UNSW College should submit a ‘Withdrawal Request Form’ in accordance with [UNSW College’s Refunds and Fees Policy](#) which sets out how when refunds are payable and how they are calculated;
- (b) Where a student is under 18 years of age, they will need to obtain a parent’s or legal guardian’s approval for the withdrawal, as set out in the Under 18 Student Policy;
- (c) Where a sponsored student is requesting a withdrawal, the approval from the sponsor is also required.

Provider initiated withdrawal

UNSW College may withdraw a student’s enrolment(s) on the grounds of:

- (a) unsatisfactory course progress; and/or
- (b) unsatisfactory attendance; and/or
- (c) non-payment of course fees; and/or
- (d) misbehaviour by the student (which will include any behaviour of a student which is in breach of UNSW’s Student Code of Conduct or as set out in [UNSW College’s Student Misconduct Policy](#)); and/or
- (e) breach of student visa condition(s), for example, an under 18 student refuses to maintain in accommodation approved by UNSW College.

6.6 Appealing any UNSW College decision in relation to suspension or withdrawal of enrolment

Where deferral, suspension or withdrawal is initiated by UNSW College, the student will be entitled to access UNSW College's complaints and appeals process, in accordance with the [Complaints and Appeals Policy](#).

If the student accesses the registered provider's internal complaints and appeals process, suspension or withdrawal of the student's enrolment cannot take effect until UNSW College's complaints and appeals process is completed, unless the extenuating circumstances relating to the welfare of the student apply. The extenuating circumstances include, but are not limited to the following, the student:

- (a) refuses to maintain approved care arrangements (only for students under 18 years of age);
- (b) is missing;
- (c) has medical concerns, severe depression or psychological issues which lead the provider to fear for the student's wellbeing;
- (d) has engaged or threatens to engage in behaviour that is reasonably believed to endanger the student or others; or
- (e) is at risk of committing a criminal offence.

7 Legal and Policy Framework

This policy is intended to comply with Standard 9 of the National Code.

7.1 Responsibilities

- (a) *Approver*
The Chief Executive Officer is responsible for the approval of this policy.
- (b) *Responsible Officer*
The General Manager, Services is responsible for the implementation, dissemination and review of this policy.
- (c) *Contact Officer*
The General Manager, Services is responsible for the day to day implementation of this policy and is the first point of contact for all enquiries that relate to this policy.
- (d) *Administration and publication*
The Policy and Compliance Officer is responsible for the administration and publishing of this policy.
- (e) *Staff, Supervisors and Executives*
UNSW College staff, supervisors and executives are responsible for assisting in the implementation of and adherence to this policy.

7.2 Review

This policy is due for review three (3) years from its date of implementation or in case of legislative or regulatory changes.

8 Linked Documentation

- (a) Deferral or change of course form
- (b) Temporary suspension form
- (c) Application to withdraw

9 Related Policies and Procedures

- (a) Complaints and Appeals Policy
- (b) Complaints and Appeals Procedure
- (c) Refunds and Fees Policy
- (d) Withdrawals and Refunds Procedure
- (e) Deferral and Suspension Procedure

10 Version History

Version Control	Date Effective	Approved By	Amendment Notes
3	See page 1	L. Pearcey	Update to remove Diplomas from the Scope section – UNSW Sydney's policy framework applies
2	1/01/2018	E. Drummond	Reflect changes of National Code and company letterhead