



Purpose

The purpose of this policy is to provide a framework for Kirana Colleges Australia (KCA) when dealing with the deferment, suspension and of cancellation of an international student's enrolment.

Scope

This policy covers issues pertaining to students conduct, payment defaults and other matters as listed in the student's written agreement.

Responsibility

| Responsibility (R) | Accountability (A) | Consult (C) | Inform (I) |
|---|---|-------------------------|-------------------|
| Campus Support Officers Operations Manager | Director International Education PEO Chief Financial Officer | Chief Executive Officer | Quality Assurance |

Applicable Legislation/Contracts

- National Code of Practice for Providers of Education and Training to Overseas Students 2018
- ESOS Act
- VET Quality Framework – National Standards for RTO and AQF

Related Policies/Procedures

- QMSP004: Formalisation of Enrolment and Written Agreement Policy V2
- QMSF003: Letter of offer and acceptance V2

Reference

National Code: Standard 9- Deferring, suspending or cancelling the overseas student's enrolment.

- 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.



Policy

The policy describes the requirements when dealing with the deferment, suspension and of cancellation of an international student's enrolment.

KCA rights to defer or suspensions:

KCA may suspend or cancel a student's enrolment on the following basis (but not limited to):

- (a) Compassionate or compelling circumstances (e.g. illness where a medical certificate states that the student is unable to attend classes), or
- (b) Misbehaviour by the student.
- (c) A breach of course progress or attendance requirements
- (d) Failure to pay tuition amounts due to KCA in accordance with Written Agreement under Standard 3

Students will be notified in writing of KCA intentions to suspend or cancel along with the rationale behind the decisions. 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 KCA to defer, suspend or cancel their studies and the KCA will not notify DIPB of a change to the enrolment status until the internal complaints and appeals process is completed.

Deferring a semester

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

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 along with other documentation as requested.

Notification of the outcome of the student's request will be provided in writing within 20 working days of receiving the application.

Failure to Start Course

KCA will provide an extension letter for those students offshore in order to allow them to commence the term at the agreed date.

However, 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 of term will have to apply to the KCA to defer their studies to the next term.

Students that have not commenced or requested a deferment as of the agreed commencement date will be considered as have defaulted their studies and will be withdrawn from the course and the CoE cancelled via PRISMS. Please refer to the Refund policy for further information.

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 2 weeks 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.

In these cases, students will be issued with an Intention to Report Letter after the census date for the commencement of term (14 days). If payment has not been made within seven (7) days, the students will be issued with notice that their CoE will be cancelled via PRISMS and the DoHA advised that they are now longer enrolled with KCA.

Students have the rights to lodge and appeal and if completed within the above period, will not have their enrolment cancelled until the 20-day appeal process. Please refer to the Complaints and Appeals Policy.



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.

a) Student's responsibilities:

1. During Examinations

- a) Students must not help or receive assistance from other students
- b) Students must not request the loan of or lend materials or devices to other students
- c) Students must not bring any materials into the examination room other than those specified for that examination
- d) 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)
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- #### 2. Other assessment tasks
- a) 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
 - b) Students must not use another person's concepts, results or conclusions and pass them off as their own
 - c) 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.
 - d) Students must not ask another person to produce an assessable item for them.

b) KCA's responsibilities:

Procedural fairness

1. Students must be treated fairly, with dignity and with due regard to their privacy
2. 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.
3. Past misconduct is not evidence that a student has behaved in the same manner again.
4. 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.

c) Penalties:

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



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 CEO within 20 days of the date of the student being notified of the consequence.
4. If a suspension or cancellation is initiated by KCA, they must:
 - a. Inform the overseas student of that intention and the reasons for doing so
 - b. Inform the overseas student of their right to appeal through the provider's internal complaints and appeals process, in accordance with Standard 10, within 20 working days
 - c. Inform the overseas student of the need to seek advice from Immigration on the potential impact of his or her student visa
 - d. Report the change to the overseas student's enrolment under Section 19 of the ESOS Act.

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 KCA property or the property of others; alters/defaces KCA documents or records; prejudices the good name of KCA, or otherwise acts in an improper manner.

KCA 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 KCA;
- c) prejudices the good order and governance of KCA or interferes with the freedom of other people to pursue their studies, carry out their functions or participate in the life of the college;
- 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 KCA;
- 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 KCA, or on the colleges premises or other premises to which the student has access as a student of KCA;
- i) obstructs any member of staff in the performance of their duties;
- j) acts dishonestly in relation to admission to KCA;
- k) knowingly makes any false or misleading representation about things that concern the student as a student of KCA or breaches any of the KCA's rules;
- l) alters any documents or records;
- m) harasses or intimidates another student, a member of staff, a visitor to KCA, or any other person while the student is engaged in study or other activity as a KCA 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 the KCA;
- 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 the KCA's premises while acting as a KCA 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 the college or for which KCA is responsible; or
- q) is guilty of any improper conduct.
- r) fails to attend and participate in classes regularly.



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 the KCA.

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

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

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