

BRISBANE GRAMMAR SCHOOL DEFERMENT, SUSPENSION AND CANCELLATION POLICY FOR OVERSEAS STUDENTS

1 DEFINITIONS

Compassionate and Compelling Circumstances are generally those beyond the control of the student and which have an impact upon the student's course progress or wellbeing, and may include but are not limited to:

- i) illness or injury, which is supported by a medical certificate stating the overseas student was unable to attend classes;
- ii) bereavement of a close family member such as a parent, sibling or grandparent (where required by the School, a death certificate should be provided);
- iii) major political upheaval or natural disaster in the overseas student's home country requiring emergency travel that has impacted or is likely to impact on the overseas student's studies; or
- iv) a traumatic experience which has impacted on the overseas student (supported by police or a psychologist's report where required by the School).

Extenuating Circumstances may include but are not limited to:

- i) the overseas student fails to comply with welfare and accommodation arrangements approved by the School (for students under 18 years of age);
- ii) the Parents or Guardians change the overseas student's living arrangements, including a termination of the overseas student's living arrangements at Harlin House, and the School does not approve of the new living arrangements;
- iii) the overseas student is missing;
- iv) the overseas student has medical concerns or severe depression or psychological issues which has led the School to fear for the overseas student's wellbeing;
- v) the overseas student has engaged or threatened to engage in behaviour that is reasonably believed to endanger the overseas student or others;
- vi) the overseas student is at risk of committing a criminal offence;
- vii) the overseas student is the subject of an investigation relating to criminal matters; or
- viii) any other circumstance the School regards as serious which relates to the welfare of the overseas student.

Parent or Guardian means the parent(s) or guardian(s) of the overseas student (or intending overseas student) who signed the letter confirming the overseas student's offer of placement at the School.

School means the Board of Trustees of the Brisbane Grammar School (trading as Brisbane Grammar School) who is a "registered provider" for the purposes of the *Education Services for Overseas Students Act 2000* (Cth).

2 STUDENT REQUESTED DEFERMENT OR SUSPENSION OF ENROLMENT

- a) If the Parents or Guardians seek to defer the commencement of enrolment, or suspend enrolment for the overseas student, an application should be made to the School in writing. A pro-forma application for deferment of commencement or suspension of enrolment is available in the School's handbook for overseas students.

- b) The School will only approve a deferment or suspension of enrolment where, in the School's view, Compassionate and Compelling Circumstances exist justifying the deferment or suspension.
- c) Applications will be assessed on merit by the Deputy Headmaster – Students. This may include a consideration of:
 - i) whether Compassionate and Compelling Circumstances exist;
 - ii) the written application requesting the deferment or suspension, or other documents or evidence provided by the overseas student or his Parent or Guardian; and/or
 - iii) any other matter the Deputy Headmaster – Students considers relevant to the decision.
- d) All applications for deferment or suspension will be considered by the Deputy Headmaster – Students within ten (10) working days of receipt.
- e) The School will keep on the overseas student's file documentary evidence of the assessment of the application for deferment or suspension, and a record of the Deputy Headmaster – Student's decision to approve or reject the application.
- f) Any period of approved suspension will not be included in attendance calculations for the purpose of the School's Course Progress and Attendance Policy for Overseas Students.

3 STUDENT INITIATED CANCELLATION OF ENROLMENT

If the Parents or Guardians cancel the enrolment of the overseas student, they must provide written notice to the School as set out in the Student Enrolment Agreement.

4 SCHOOL INITIATED DEFERMENT OR SUSPENSION FROM ENROLMENT

- a) The School may initiate a deferment or suspension of enrolment for an overseas student on the following grounds:
 - i) misbehaviour by the overseas student; or
 - ii) Compassionate or Compelling Circumstances.
- b) The School will assess whether deferment or suspension of an overseas student is appropriate by having regard to:
 - i) whether Compassionate and Compelling Circumstances exist;
 - ii) the overseas student's behaviour, including any behaviour identified in the School's Code of Expectations and Behaviour for Students; or
 - iii) any other matter the School considers relevant to the decision.
- c) Where the School initiates the suspension of an overseas student, the overseas student must abide by the conditions of his suspension from enrolment, which will depend on the welfare and accommodation arrangements in place for the overseas student and will be determined by the Deputy Headmaster – Students.
- d) Where a decision is made by the School to suspend an overseas student for 28 days or less, the overseas student must continue to meet the academic requirements of the course.
- e) Where a decision is made by the School to suspend an overseas student for more than 28 days, the overseas student is required to return to his home country unless

the School determines that special circumstances exist (e.g. the overseas student is medically unfit to travel).

- f) If the School determines special circumstances exist that require the overseas student to remain in Australia for the duration of the suspension, the overseas student must abide by the conditions of his suspension, which will depend on the welfare and accommodation arrangements in place for the overseas student and will be determined by the Deputy Headmaster – Students.
- g) Any period of suspension will not be included in attendance calculations for the purpose of the School's *Course Progress and Attendance Policy for Overseas Students*.

5 SCHOOL INITIATED CANCELLATION OF ENROLMENT

The School may cancel the enrolment of an overseas student in the following circumstances:

- i) the Parents or Guardians fail to pay course fees when due and owing or otherwise do not comply with the terms of the letter confirming the overseas student's offer of placement at the School;
- ii) the Parents or Guardians change the overseas student's living arrangements, including a termination of the overseas student's living arrangements at Harlin House, and the School does not approve of the new arrangements;
- iii) the overseas student fails to comply with the welfare and accommodation arrangements approved by the School;
- iv) the overseas student engages in misbehaviour, including any behaviour identified in the School's Code of Expectations and Behaviour for Students, including without limitation:
 - failing to behave in a manner which enhances the overseas student's reputation and the reputation of the School;
 - failing to follow the rules and expectations as outlined in the School Handbook;
 - disrespecting the School's teachers or other staff members;
 - causing harm to others;
 - interfering with the property of others;
 - bringing the School into disrepute; or
 - being involved with drugs (including cigarettes and alcohol); or
- v) the overseas student fails to maintain satisfactory course progress or satisfactory attendance which results in the School notifying the Department of Education and Training via PRISMS. Refer to the School's *Course Progress and Attendance Policy for Overseas Students*.

6 DECISION OF THE SCHOOL TO DEFER, SUSPEND OR CANCEL ENROLMENT

- a) Where the School intends to suspend or cancel the enrolment of an overseas student, the School will notify the overseas student, through the Parents or Guardians:
 - i) of the School's intention to defer, suspend or cancel the overseas student's enrolment;

- ii) of the ability to access the School's internal complaints and appeals process under the *Complaints and Appeals Policy for Overseas Students* within 20 working days;
 - iii) that deferment, suspension or cancellation of enrolment can affect the overseas student's visa, and the Parents or Guardians should contact the Department of Immigration and Border Protection (**DIBP**) for advice.
- b) The School will keep on an overseas student's file documentary evidence of the assessment of the School's decision to defer, suspend or cancel the enrolment of the overseas student.

7 COMPLAINTS AND APPEALS

- a) School initiated deferment or suspension from enrolment or cancellation of enrolment is subject to the School's internal complaints and appeals process under the School's *Complaints and Appeals Policy for Overseas Students*.
- b) If the Parents or Guardians access the School's internal complaints and appeals process in relation to a School initiated deferment, suspension or cancellation, the deferment, suspension or cancellation of the overseas student's enrolment will not take effect until the internal complaints and appeals process is completed, unless Extenuating Circumstances exist. The Deputy Headmaster – Students will determine if participation will be in class or under a supervised arrangement outside of classes.
- c) The final determination of whether Extenuating Circumstances exist is at the Headmaster's sole discretion.
- d) In the case of a School initiated deferment, suspension or cancellation of enrolment:
 - a. The Parents or Guardians may also lodge an external complaint or appeal to the Overseas Student Ombudsman, which must be made within ten (10) working days of the Parent or Guardian receiving notification of the outcome of the internal Formal Complaint or Appeal; **however**
 - b. The School is not required to await the outcome of an external appeals process before notifying DET through PRISMS of a decision to defer or suspend the enrolment due to misbehaviour, or to cancel the enrolment.

8 CONSEQUENCES OF DEFERMENT, SUSPENSION OR CANCELLATION

- a) Any deferment, suspension or cancellation of enrolment (whether by the School or on behalf of the student) may have an effect on an overseas student's visa. Parents and Guardians should contact DIBP for advice should there be a change to the student's enrolment status.
- b) The School is required to notify the Department of Education and Training via PRISMS if:
 - i) the overseas student's enrolment is deferred, including the proposed duration of the deferment and any changes to the proposed date of the deferment of enrolment;
 - ii) the overseas student's enrolment is suspended, including the proposed duration of the suspension and any changes to the proposed end date of the suspension; and
 - iii) the overseas student's enrolment is cancelled (whether the cancellation is a result of action by the student or the School or otherwise).

- c) The School's Accommodation Policy sets out the accommodation, support and welfare requirements for overseas students, including in the event of suspension or cancellation of enrolment.

9 REFUNDS

The School's Refund Policy for overseas students sets out the School's policy about refunding fees in the event of cancellation of enrolment, including the amounts which may be refunded and the processes for providing a refund.