

**DEFERRAL, SUSPENSION, WITHDRAWAL AND EXCLUSION PP**

Standard 9 ESOS Code of Practice 2018 / RTO Standards 2015

**1.0 POLICY**

Domestic and overseas study visa students in Australia can initiate deferral, suspension, or withdrawal from their studies only in the circumstances described in the procedure below.

The college or LCAD may suspend students for misbehaviour, which can also be grounds for cancelling enrolment.

Overseas study visa students have the right to appeal a decision by the college to defer, suspend or cancel their studies, and LCAD will not notify PRISMS of a change to the enrolment status until the internal complaints and appeals process is completed, should the student choose to engage in the appeals process. Students still have the option to challenge the college's decision by external adjudication through the AUSTRALIAN MEDIATION ASSOCIATION (AMA). Students can continue their studies if they choose to until the appeals process has been exhausted.

**2.0 PROCEDURE****2.1 DEFERRING**

1. A student wishing to defer an enrolment must do so prior to the commencement of the course. Students must contact the college admin to obtain and complete the S14 Deferral, Suspension, Withdrawal APPLICATION ed form - <https://lcad.edu.au/policies-and-information/> and submit it to the admin.
2. You are eligible to defer your study if you have been formally offered a place in the courses at LCAD and you have not already enrolled in this program; you have not previously deferred this offer, and you are an Australian or New Zealand citizen or a Permanent Resident of Australia or holder of a Humanitarian visa.

Note: If you have already enrolled and wish to suspend, vary, or withdraw from your studies, you must contact the college admin as soon as possible and complete and submit the S14 Deferral, Suspension, Withdrawal APPLICATION ed form - <https://lcad.edu.au/policies-and-information/> .

3. All applicants seeking to defer their course must complete and return this form two weeks before the next term they are due to start.
4. Applicants deferring their enrolment are granted up to a 12-month deferment. For example, the student will commence study one year from the Deferment date. The student is to contact the college two months prior to re-starting to indicate they will be confirming their place in the course.
5. Applicants can choose to take up their deferred place earlier, i.e. the student deferring their study in the first term may wish to return at any term start stage. Students will still need to contact the college two months before term starts to advise the college, they will be commencing their studies.
6. Latrobe College of Art and Design regularly reviews its programs to ensure their content is current and responsive to industry changes. However, the college cannot guarantee that all programs will be available for commencing students or that program content, including courses, has not been altered during the period for which an applicant has deferred their studies. In such cases, the college will negotiate alternative study options with the applicant.
7. The college reviews its tuition fees annually. Applicants deferring or progressing in their studies may see their course fees increase. Applicants should check the college's website at [www.lcad.edu.au](http://www.lcad.edu.au) under courses at the end of December each year for indications of change.
8. Applicants must enrol by the end of January, the end of April, or mid-August, depending on which term they wish to enter, or their offer from the college cannot be guaranteed.
9. Applicants must inform the college by email at [admin@lacd.edu.au](mailto:admin@lacd.edu.au) of any change of address as soon as possible.
10. The student's tuition fee deposit, or instalment, must be paid in full two weeks before classes start in the term in which they are starting. Without payment of tuition, the college cannot promise the student that it can hold their place in the course.
11. Students must remember that although study can be deferred, the enrolment fees for the minimum enrolment period of one term must be paid as arranged.
12. All student applications to defer, suspend, or withdraw their enrolment will be kept on the student's file. For overseas study visa students on a study visa, PRISMS must be notified of a student's application to alter their studies.
13. The college reserves the right to change or make alterations to its courses. This may affect students electing to defer from their studies. For instance, subjects or courses may be changed or withdrawn without notice to students who have suspended or deferred their studies.

**2.2 WITHDRAWAL**

If after commencement the student wishes to withdraw, they must do so by completing and submitting to the college a completed S14 Deferral, Suspension, Withdrawal APPLICATION ed form <https://lcad.edu.au/policies-and-information/> form from admin. The date the college receives this form is the official date of withdrawal or change to enrolment. The student must check that the college has received the form.

Any dispute regarding deferments and payments and refunds must be documented in writing by the student and follow the procedures outlined in the college's S27 Complaints Academic Grievance PP. <https://lcad.edu.au/policies-and-information/> There is a \$1500 cancellation fee for overseas study visa students withdrawing from their course after they start and before the end of their first 6 months.

See 3.0 for VET Student Loan students.

### 2.3 REFUNDS

See the college's refund policy for overseas visa study students, domestic full-time and part-time fee paying, and VSL enrolled students, as well as single subject informal students. See S15 REFUNDS PP <https://lcad.edu.au/policies-and-information/> and S11.1 FEES & TUITION ASSURANCE PP <https://lcad.edu.au/policies-and-information/>

### 2.4 SUSPENDING ENROLMENT

- a) Where a **Suspension of Enrolment** is applied for and granted using the S14 Deferral, Suspension or Withdrawal Application ed <https://lcad.edu.au/policies-and-information/> form, the college will suspend enrolment for an agreed period—to a maximum of 12 months. If the suspension is required for longer than 12 months, the student shall have to reapply once the initial suspension period has expired.
- b) If an overseas study visa student has suspended their enrolment for 28 days or longer, the student must return home (unless special circumstances exist). Please refer all questions about whether a student may remain in Australia during a period of suspension of enrolment to the Department of Home Affairs.
- c) Students are to be informed in writing of the outcome of their application and informed that it might affect their overseas student study visa in Australia.
- d) All application documentation will be kept in the student's file.
- e) Students suspending their studies in the middle of the term will be unable to rejoin the program at the point in which they stopped. They will need to restart their course or study unit at the beginning of that unit—normally at the start of a term. Tuition fees that may have already been paid for a partial-term study will be forfeited. The college may make a judgement enabling a student to recommence their studies at a mid-term point only in extraordinary circumstances.
- f) The college charges student's fees in term blocks. The fees paid are allocated to funding staff, equipment, classrooms, and administration for the student's tuition. They are consumed in full at the beginning of an individual student's study term. If the student suspends or withdraws from their studies at any point midterm, the fees paid to that point have already been consumed and cannot be refunded. Fees paid for the student's tuition after the date of suspension are retained by LCAD as a credit to be used when the student recommences their study. There is no refund to students who have paid their term fees but wish to withdraw.
- g) In Suspension of Enrolment, the student must understand that many units at LCAD may not be available in the following term but may only be available in the following year. For instance, Painting A only runs in the February-May winter term of each year.
- h) The college reserves the right to change or make alterations to its courses. This may affect students electing to Suspend or Defer from their studies. For instance, subjects or courses may be changed or withdrawn.
- i) Once students have started, it is accepted that they are enrolled in the course for the full year. All students must complete a Re-Enrolment Form for each term for the college to maintain up-to-date student contact details and manage any possible enrolment variation.
- j) Variation of enrolment can only be applied for before the following term begins.
- k) An enrolment period is limited to no more than one term.

### 3.0 DOMESTIC STUDENT & VET STUDENT LOANS (VSL) CHANGES TO ENROLMENT CONDITIONS

VET Student Loans (VSL) conditions of enrolment cover all students who qualify for VSL, regardless of whether they elect to defer their tuition fees through VSL or pay directly to the college. It does not cover International Students or students enrolled in a Single Subject (except in cases where a student is full-time or part-time and, through circumstances, is only enrolled in one study unit in a particular term).

3.1 Students have until Census Day to continue or to withdraw from their program without incurring a FEE-HELP debt for that term.

### 3.2 CENSUS DAY

For domestic fee-paying and VSL full-time and part-time enrolled students, see Census Day dates for the current year on the college website - [VSL Schedule of VET Tuition Fees \(year\)](https://lcad.edu.au/policies-and-information/) - <https://lcad.edu.au/policies-and-information/>

See also [S11.6STUDENTACCESSINGVSLPP](https://lcad.edu.au/policies-and-information/) - <https://lcad.edu.au/policies-and-information/>

3.3 For any change or adjustment to their enrolment, the student must complete an S14.2 Deferral, Suspension, or Withdrawal Application form. The date the student contacts the college or the date the application is received by the college is the date of the application to change, suspend, withdraw, or cancel their enrolment. The student must check with the college to ensure that it has received the Application in time.

### 4.0 TRANSFERRING TO ANOTHER PROVIDER

Overseas visa study students have restrictions if they wish to cancel their enrolment prior to completing 6 months of study in their principal course to wish to transfer to another provider and must apply to LCAD with details of why they wish to transfer and details of the college they wish to transfer to. They must also provide a Letter of Offer from the alternative provider. This process will require the student to make a formal enrolment application to the alternative provider. LCAD has the right to accept or reject the student's application and will issue an Acceptance Letter or Rejection Letter to the student based on all the details it has about the student's circumstances. See [S17 STUDENT TRANSFER BETWEEN PROVIDERS PP](https://lcad.edu.au/policies-and-information/).

Transferring requests by an overseas visa study student will be reported to PRISMS.

(a) All application documentation for the cancellation of enrolment will be kept on the student's file. For overseas visa study students, PRISMS must be advised of the decision to cancel the student's enrolment because of the student's request.

### 5.0 LCAD CAN SUSPEND OR CANCEL A STUDENT'S ENROLMENT

The college can suspend or cancel a student's enrolment for misbehaviour, misconduct, unsatisfactory course progress, inadequate attendance, or non-payment of tuition fees.

- 5.1 Misbehaviour or misconduct may include but is not limited to, acts of discrimination, sexual harassment, vilification or bullying, cheating, or plagiarism.
- 5.2 Payment of student fees, including the timing and deadlines of due payment dates are critical to the contract between the student and the college as agreed to in the S10 AGREEMENT ACCEPTANCE FORM signed by the student. If the college has issues with the student regarding late or non-payment of fees it has the right to revoke the student's enrolment. Correspondence in writing or email and adequate notice or warnings by the college, with availability given to the student to access the college's complaints and appeals policies and procedures, is essential if the college is to pursue this action.

- 5.3 Serious cases of unsatisfactory course progress, habitual incompleteness/ failing of study units, and low or intermittent attendance can also lead the college to act with the student, which may lead to the student's expulsion from their course. The college uses its S21 Monitoring of Course Progress & Intervention PP / MCI 7 Student Monitoring / S22 Intention to Report Student / S22 Student Warning Attendance letter / or Student Warning Academic Progress letter / S29 Assessment & Re-Assessment\_PP / S29.2 Re-Assessment Student Handout PP / S24 Fair Treatment PP.

## 6.0 ACADEMIC MISCONDUCT

All students are expected to maintain high standards of academic honesty and integrity. Academic misconduct is students' attempts 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 lecturer or tutor about their knowledge, ability, or the amount of original work they have done.

## 6.1 STUDENT'S RESPONSIBILITIES:

### Exams

**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 devices other than those specified during an examination.

**A student may be excluded from a final examination in a unit for any of the following reasons:**

- a) Unauthorised absence from class.
- b) Failure to meet unit requirements, for example, non-submission of assignments or failure to attend class, present work, complete Knowledge Tools, or attend and present Folio Week.
- c) Academic misconduct
- d) General misconduct (see below)

### 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 does 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.

## 7.0 LCAD'S RESPONSIBILITIES

### Treatment of Student

Students must be treated fairly, with dignity and respect for their privacy.

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.

Past misconduct is not evidence that a student has behaved in the same manner again.

Each case is dealt with on its own merits and according to its circumstances, with the proviso that the first instance of misconduct will be penalised more leniently than subsequent instances.

## 7.1 Penalties

- a) Penalties imposed will consider the misconduct's nature and extent.
- b) Penalties imposed will consider the students' stage in the program.
- c) Penalties imposed will consider the conventions of the field of study.
- d) A student's second offence is penalised more severely than their first offence, and a third offence will result in exclusion from the college.
- e) The following penalties may be imposed: a warning, a reduction in grades, receiving zero for an assessment event, failing the unit, or exclusion from the college.

## 7.2 Notification and Appeal

- a) Students must be notified of penalties because of academic misconduct in writing.
- b) The grounds for appeal are:
- c) Procedural irregularities, and/or
- d) Factual errors on which the decision was based, and which were of such magnitude as to invalidate it.
- f) Appeals must be lodged in writing with the college within working 20 days of the date of the student being notified of the consequence.

## 8.0 GENERAL MISCONDUCT

Students are expected to respect other students, staff, and property so that learning and teaching can occur freely, safely and without impediment due to the misconduct of others.

General misconduct occurs when 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 from the college property or the property of others, alters/defaces Institute documents or records, prejudices the good name of the college, or otherwise acts in an improperly.

## 8.1 Breaches of Australian Laws

The college is required to report all breaches of Australian laws by students. Including some of the following:

- a) Contravenes any rules or acts.
- b) Prejudices the good name or reputation of the college.
- c) Prejudices the good order and governance of the college 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 the college.
- 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 the college, on college premises, or on other premises to which the student has access as a student at the college.
- i) Obstructs any member of staff in the performance of their duties.
- j) Acts dishonestly in relation to admission to the college.
- k) Knowingly makes any false or misleading representation about things that concern the student as a student at college or breach any of the college's rules.
- l) Alters any documents or records.
- m) Harasses or intimidates another student, a member of staff, a visitor to the college, or any other person while the student is engaged in study or other activity as an Institute 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 college.
- 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 college premises while acting as a college 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 the college is responsible; or
- q) Is guilty of improper conduct.

#### 9.0 Determining Penalties

- a) Penalties imposed will consider 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 the college.

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

- a) A charge for the cost of damage to facilities and equipment
- b) Temporary exclusion from the college.

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

#### 10.0 STUDENT APPEAL

- a) Students must be notified in writing of penalties because of general misconduct.
- b) The grounds for appeal are:
  - Procedural irregularities, and/or
  - Factual errors on which the decision was based, and of such magnitude as to invalidate the decision.
  - Appeals must be lodged in writing with the college within 20 working days of the date of the student being notified of the consequence. The process will commence within 10 working days of receiving the student's appeal.

#### 11.0 PROCESSING AND RECORDING DEFERMENTS, SUSPENSION OR CANCELLATION OF ENROLMENTS

- a) All applications of deferments and outcomes are to be kept on the student's file.
- c) All reports of misconduct, decisions and actions taken regarding misconduct, and related documentation must be kept on file.
- d) Any decisions to initiate deferral, suspension, or cancellation of an enrolment of an overseas student on a study visa must be reported to PRISMS.
- e) Students are to be informed of any decisions or outcomes related to a deferment, suspension, or cancellation of enrolments.
- f) All students are to be given the opportunity to access the college's complaints and appeals procedure before reporting any provider-initiated suspensions or cancellations of enrolments. The students have 20 working days to appeal.
- g) If a student decides to access this procedure within 20 working days of notification, the College must wait until the process has finished before reporting the student's enrolment changes to PRISMS if the student is studying at LCAD as an overseas student on a study visa.

#### 12.0 Extending Course Duration

If the student restores and re-engages with the course with the college's approval, they may be behind schedule in completing their studies on time, or they have been approved by the college to suspend their studies for a period. In this case, the student can apply to the college, and an email request is accepted to extend their course duration.