



---

# **Deferment, Suspension and Cancellation Policy & Procedure**

---

## Introduction

Australian Technical College Western Australia (ATCWA) ensures that where international students request a deferral, suspension or cancellation of studies in a CRICOS registered course that there is a process in place to guide international students and staff.

## Purpose

To ensure that ATCWA enables international students to defer or temporarily suspend their studies, including granting a leave of absence, during their CRICOS registered course through formal agreement in certain limited circumstances. This policy also provides guidance on how international student enrolment cancellations are managed by ATCWA.

## Scope

This policy and procedure applies to all student enrolments in CRICOS registered courses at ATCWA.

## Responsibilities

Student Support Officer, Director of Studies, Operations Manager, Compliance Manager, Director of Operations, Admin Officer, Chief Executive Officer.

## Definitions

**Cancellation** refers to all cancellations by an international student in a CRICOS registered course.

**Compassionate and Compelling Circumstances** means Compassionate or compelling circumstances are generally those beyond the control of the student and which affect the student's course progress or wellbeing. These could include, but are not limited to:

- Serious illness or injury, where a medical certificate states that the student was unable to attend classes;
- Bereavement of close family members such as parents or grandparents (where possible a death certificate should be provided);
- Major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the student's studies;

- A traumatic experience which could include:
  - Involvement in, or witnessing of a serious accident; or
  - Witnessing or being the victim of a serious crime, and this has impacted on the student (these cases should be supported by police or psychologists' reports);
- Where the registered provider was unable to offer a pre-requisite unit; or
- Inability to begin studying on the course commencement date due to delay in receiving a student visa.

**Deferral** means delaying the commencement of the international student's enrolment in a CRICOS registered course.

**Erratic course progress** means attendance that does not meet the minimum attendance requirements of ATCWA and is not regular. Attendance is usually considered erratic when it is sporadic and interspersed. ATCWA also considers erratic course progress to mean when an international student attends only specific occasions such as the mandatory orientation session, assessment days or attends for the purpose of marking their attendance on the attendance register and leaves soon after consistently.

**Extenuating circumstances** means circumstances relating to the welfare of the student that may include, but are not limited to the following. The student:

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

Any claim of extenuating circumstances will need to be supported by appropriate evidence.

**International student** means international students or intending international students on a student visa under the Migration Act 1958.

**Misbehaviour** means any conduct that is a breach of ATCWA's policies and procedures, including the ATCWA Code of Conduct and Student Misconduct Policy, Australian law, erratic course behaviour, behaviour that is not consistent with the international student's principal purpose of enrolment at ATCWA being to learn or where the international student's behaviour is so grave that it compromises the health, safety and/or wellbeing of any stakeholder of ATCWA. Misbehaviour also includes any visa condition that the international student may have breached that ATCWA is required by law to report (for example, non-payment of tuition fees).

**Suspension** means to put an international student's studies in a CRICOS registered course on hold temporarily while they are in session; in other words, once they have commenced, but not yet completed.

**Study Period** means one (1) term (10 weeks) of scheduled classes.

## Alignment

### National Code of Practice for Providers of Education and Training to Overseas Students 2018

Part B (Standard)	2.1.8, 5.6.1, 5.6.2, 5.6.3, 5.6.4, 8.16.3, 8.17, 9
-------------------	--

## Document Control

Version	Date	Author	Change Description
001	6 June 2019	ATCWA	Creation of policy
002	19 September 2019	ATCWA	Review of Policy
003	2 July 2020	ATCWA	Review of Policy
004	<Select date>		

## Policy Statement

ATCWA ensures that it has in place documented procedures for assessing, approving and recording a deferment of the commencement of study or suspension of study for the international student in any CRICOS registered course that they are enrolled in at ATCWA, including keeping documentary evidence on the student's file of the assessment and outcome of the application. It also manages the storage of those records in accordance with the relevant privacy legislation and other registration requirements.

ATCWA will only defer or temporarily suspend the enrolment of the student on the grounds of compassionate or compelling circumstances (for example, illness where a medical certificate states that the student is unable to attend classes).

ATCWA may suspend or cancel an international student's enrolment, including, but not limited to, on the basis of:

- a) Misbehaviour by the international student;
- b) Non Commencement of Studies;
- c) The international student's failure to pay an amount that they were required to pay ATCWA to undertake or continue the CRICOS registered course as stated in the written agreement between the international student and ATCWA;
- d) A breach of course progress and/or attendance requirements by the international student in accordance with ATCWA's Course Progress Policy and Procedure.

Where ATCWA initiates a suspension or cancellation of an international student's enrolment at ATCWA, before undertaking this action, ATCWA will:

- a) Provide the international student with the reasons for doing so in writing; and
- b) Advise the international student that they have a right to appeal the proposed decision through ATCWA's *Complaints and Appeals Policy and Procedure* within twenty (20) working days, in accordance with Standard 10 of the National Code 2018.

ATCWA will ensure that it:

- a) Informs the student that deferring, suspending or cancelling his or her enrolment may affect his or her student visa; and
- b) Notifies the Secretary of the Department of Education and Training (DET) via PRISMS as required under Section 19 of the ESOS Act where the student's enrolment is deferred, temporarily suspended or cancelled.

If the international student accesses the registered provider's internal complaints and appeals process in relation to their proposed suspension or cancellation of their enrolment under this standard, the suspension or cancellation cannot take effect until the internal process is completed, unless one of the following situations applies:

- a) The international student's health and/or wellbeing is at risk;
- b) Another international student's health and/or wellbeing is at risk;
- c) The health and wellbeing of ATCWA staff and other relevant stakeholders (for example but not limited to, practical placement providers) is compromised by the international student's ongoing involvement and participation in their program; and
- d) ATCWA will report the change to the international student's enrolment on PRISMS in accordance with Section 19 of the ESOS Act 2000.

## Procedure

### ATCWA Initiated Deferral, Suspension or Cancellation

ATCWA may suspend a student's enrolment in the following instances:

- Student misbehaviour as outlined in the ATCWA Code of Conduct and/or Student Misconduct Policy;
- Due to an intervention strategy for unsatisfactory course progress in accordance with the Course Progress Policy and Procedure; and/or
- Compassionate and compelling circumstances.

ATCWA may **cancel** a student enrolment in the following instances:

- Student demonstrates serious misconduct as outlined in the ATCWA's Code of Conduct and/or *Student Misconduct Policy*;
- Erratic course progress, for example, consistent unsatisfactory course progress in non-consecutive study periods or continuous absence from scheduled course hours;
- Non Commencement of Studies;
- Breaching ATCWA policies and procedures; and/or
- Non-payment of outstanding fees.

In cases where suspension or cancellation of the student's enrolment is initiated by ATCWA, students will be notified in writing and given twenty (20) working days to access ATCWA's internal complaints and appeals process in accordance with the National Code 2018, Standard 10 (see *Complaints and Appeals Policy & Procedure*).

The change in enrolment status will not be reported to DET until the internal appeals process is completed unless extenuating circumstances such as those relating to the welfare of the international student, other international students and/or other ATCWA stakeholders, an offence which would ordinarily attract police intervention or alleged criminal activity apply.

Once the deferral, suspension or cancellation is processed, ATCWA will notify DET via PRISMS.

ATCWA will continue to provide learning opportunities for the international student during this twenty (20) working day period unless to do so would not be appropriate for an educational setting due to the safety of the international student, other international students or other stakeholders of ATCWA. The reason that ATCWA continues to provide learning opportunities for international students while the twenty (20) working day period is in place is that to exclude the international student from class for this time period might impact on the future capacity to maintain satisfactory course progress. If the student is successful in their appeal, it is possible that several weeks or months pass and the international student may be disadvantaged by missing so much class time and this would then require extending the international student's Confirmation of Enrolment thus impacting on their student visa and pathway courses (where relevant). As such, it is expected that the international student continues to attend classes and participate as normal. Their attendance will be monitored accordingly and included in their standard attendance calculation recording.

## Student Initiated Deferral, Suspension or Cancellation

International students may **defer commencement** of a course or **suspend their enrolment** during their course in the following limited circumstances:

- On the grounds of compassionate or compelling circumstances (at the discretion of ATCWA); or
- Student visa delay.

International students may request a **deferral of the commencement** of their course prior to the course commencing.

International students need to complete an 'Application for Deferral of Studies' form and submit it, together with all supporting documentation to the Admin Officer or Student Support Officer.

Once the deferral is processed, the international student will receive a revised CoE and will be issued with a new enrolment agreement written to reflect the new commencement.

International students who wish to **suspend** their enrolment must complete an 'Application for Suspension of Studies' form and submit it, together with all supporting documentation to the Admin Officer or Student Support Officer.

For approval to be considered, international students must submit the form a minimum of ten (10) working days before the requested suspension date. Where there is an emergency situation that compels the international student to suspend their course, the minimum submission deadline of ten (10) working days may be waived.

Please refer to the definition in this policy and procedure to understand what is meant by 'compassionate and compelling circumstances'.

Once the suspension is approved, the international student will receive an email notification from ATCWA granting the suspension.

Where an international student has had a break in their studies due to a deferment or suspension, the break is not counted for the purposes of determining if the international student has completed six (6) months of their principal course.

International students who wish to cancel enrolment in their course must obtain approval from ATCWA and attend an appointment with The Director of Studies and/or Operations Manager.

International students must complete an '*Application for Cancellation of Studies*' form or, where applicable, an '*Application for Letter of Release Form*' and submit it, together with all supporting documentation, to the Admin Officer or Student Support Officer.

The Director of Studies and/or Operations Manager will assess the application and make a decision based on any supporting evidence provided by the international student and in accordance with this policy.

If the international student wishes to concurrently seek a refund, they must complete the relevant documentation (*'Application for a Refund Form'* and any supporting documentation) and submit the application in accordance with ATCWA's *Refund Policy*.

If the international student does not accept the outcome of their request for cancellation, the Admin Officer or Student Support Officer will escalate the student's application to the CEO and /or the Director of Operations.

Once the cancellation is approved and processed, if applicable, the international student will receive a Letter of Release from the Admin Officer or Student Support Officer where ATCWA is the principal provider.

Once the deferral, suspension or cancellation is processed, the nominated staff member will notify DET via PRISMS.

## Additional Guidelines for International Students

When an international student notifies ATCWA of any cessation of studies (deferral, suspension or cancellation), the international student must either leave Australia, obtain enrolment in an alternative course or apply for a different visa within twenty-eight (28) days of the cessation being reported. If an international student chooses to leave Australia, their student visa will be subject to cancellation. An international student who has left Australia and wishes to return to their studies must, at that point, apply for a new student visa.

The international student will be required to prove that they are returning home, such as providing their airline ticket.

A staff member from Student Administration will take a copy of the airline ticket for the international student's file.

International students can temporarily suspend enrolment for a maximum period of 2 study periods (2 terms), however, see above additional guidelines for international students that may apply. If a student's suspension of studies application is approved and is more than 3 weeks of the term/study period the student may need to repeat the unit(s) or term/study period depending on the course, study load and the amount of leave approved.

In the case of exceptional circumstances (supported by documented evidence), longer suspensions may be granted at the discretion of ATCWA's management.

Deferral, suspension or cancellation of enrolment may affect the student's visa and students must be notified in writing of this fact.

If an international student's enrolment is suspended for more than six (6) months, the student's visa may be affected and the student is advised to contact the Department of Home Affairs (DHA) for further information.



## Document Handling and Record Keeping

All documentation relating to the assessment of international student deferral, suspension and cancellation applications will be kept in the international student's file.

All discussions undertaken with the student during the processing of the application must be recorded on the student's file or/and the RTO College Database as they occur.

## Related Documents

- Refund Policy;
- Refund Application Form;
- Complaints and Appeals Policy and Procedure;
- Student Misconduct Policy;
- Monitoring Attendance Policy and Procedure;
- Course Progress Policy and Procedure;
- Student Fees and Charges Policy;
- Application for Cancellation of Studies;
- Application for Deferral of Studies;
- Application for Release Form;
- Application for Suspension of Studies.