



International
College

Deferral, Suspension and Cancellation Policy & Procedure

HIC Policy Number
STUD011

CRICOS Number 02790D
Provider Number 21838

Hays International College

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1. Purpose of policy

The purpose of this policy is to ensure that Hays International College (HIC) assesses an International student's eligibility for deferral, leave of absence, suspension or cancellation of enrolment in a manner that complies with the requirements of current legislation National Code 2007, Part D – Standard 13. Hays International College (HIC) will only enable students to defer or temporarily suspend their studies, including granting of a leave of absence, during the course of enrolment through formal agreement in certain limited circumstances. Hays International College (HIC) will inform the student that deferment, suspension or cancellation of enrolment may affect his or her student visa.

2. Responsibility

The PEO is responsible for the implementation of this Policy and Procedure and to ensure that all staff are aware of its application and implementation requirements. Students are also informed of this policy and procedure at their pre-enrolment, enrolment and orientation.

3. Definitions

Deferral

refers to the delay of commencement of a course. A request by the student prior to the commencement of the studies to temporarily postpone enrolment (Student initiated). This process can also be initiated by HIC. A deferment becomes official once DIBP via PRISMS is notified that the student enrolment with HIC has been deferred.

Leave of Absence

request by the student to temporarily postpone study after the commencement of the study period (student initiated). This is granted in compassionate or compelling circumstances.

Suspension

temporary delay of enrolment during a course. The enrolment of a student in a course is suspended for a period of time, after which the student may recommence study.

CoE

Confirmation of enrolment

Cancellation

cessation of enrolment in a course; permanent termination of the student's enrolment and the student CoE status will be listed as 'cancelled'

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Compassionate or compelling circumstances

Generally those beyond the control of the student and which have an impact upon 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; or
- 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.

Extenuating Circumstances:

These are relating to the welfare of the student may include, but are not limited to the following:

- missing and has not responded to telephone calls, emails and correspondence sent to address/phone etc provided to HIC
- 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
- is at risk of committing a criminal offence

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

PRISMS

Provider Registration and International Student Management System - The management information system used by DIBP to record overseas student enrolment details

Withdrawal from studies

Cessation of enrolment in a course; permanent termination of the student's enrolment and the student CoE status will be listed as 'cancelled' Student who has not commenced his/her course after 2 weeks from the due commencement date, thereby 'inactively' notifying HIC that he/she will not be commencing his/her studies. HIC will notify DIBP via PRISMS of 'student notified cessation of studies' to cancel the student's enrolment.

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Note: HIC will not notify the student of its intent to cancel the student's enrolment or wait the outcome of an appeal if the student inactively (passively) withdraws

Student who has not completed his/her course and indicates that they do not want to return to studies, HIC will notify DIBP via PRISMS of 'student notified cessation of studies' to cancel the student's enrolment. The student may need to apply for a release letter - See STUD022 Transfer of Students between Providers Policy and Procedure

4. Key Features

- HIC 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); or
 - misbehaviour by the student

- HIC may cancel a student's enrolment where a serious breach of visa or enrolment conditions has occurred.

- Regardless of whether the suspension of enrolment is the result of a student request for suspension or provider-imposed suspension of enrolment due to misbehaviour, the period of suspension of enrolment (as entered in PRISMS) will not be included in attendance monitoring towards the student's course progress.

- **HIC will:**
 - inform the student in writing that deferring, suspending or cancelling his or her enrolment may affect his or her student visa; and
 - notify the Secretary of the Dept. of Education – Secretary via PRISMS as required under section 19 of the ESOS Act where the student's enrolment is deferred, temporarily suspended or cancelled.
 - inform the student in writing of its intention to suspend or cancel the student's enrolment where the suspension or cancellation is not initiated by the student; and
 - notify the student that he or she has 20 working days to access HIC's internal complaints and appeals process.
 - not suspend or cancel the student's enrolment, if the student accesses HIC's internal complaints and appeals process, until the internal process is completed, unless extenuating circumstances relating to the welfare of the student apply.

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5. Procedures

The following procedures outline the application, assessment and approval of the deferment, suspension, leave of absence or cancellation of enrolment whether instigated by the student or HIC and further deals with the subsequent reporting requirements to the Secretary of the Department of Education (DoE) via PRISMS and the responsibility of HIC to keep and maintain records of all relevant documents in the student's file.

Student Initiated Deferral or Suspension

- a. International students may defer commencement of a course or suspend their enrolment during their course only in the following limited circumstances:
 - I. On the grounds of *Compassionate or Compelling circumstances**; or
 - II. Unavailability of a course/units; or
 - III. Delay in acquisition of a student visa.
- b. Students may request a deferral of the commencement or temporarily suspend their course by completing the Course Deferral, Suspension or Cancellation form and submitting it with the appropriate supporting evidence to the Administration department prior to the commencement of their course or during the course of their study.
- c. Students must submit the application form a minimum of 14 days before the requested suspension or deferral date (as soon as possible).
- d. The Administration Officer in consultation with the PEO will review the application and use professional discretion, in line with this policy, to determine whether the application for deferment/suspension will be granted or denied and provide a response within 5 working days.
- e. Once the suspension or deferment is processed the student will receive an email from the Admin department informing them of the outcome of their application being approved or not approved. If any deferment or suspension is approved, HIC will notify the Department via PRISMS.
- f. The student will be informed that deferral or suspension of their enrolment may affect their student visa and will be advised to contact the DIBP for more information.
- g. Once the deferral is processed via PRISMS, the student will receive a copy of their new CoE (if relevant) and a copy will be placed in their file along with all their documentation.

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Student Initiated Cancellation:

- Student requesting cancellation of their enrolment must complete the Course Deferral, Suspension or Cancellation form and submit it with relevant supporting evidence to the Administration department at least 14 days prior to their anticipated cancellation date.
- The Administration Officer in consultation with the PEO will review the application and provide a response within 5 working days.
- The student will be informed that cancellation of their enrolment may have an affect their student visa and will be advised to contact the DIBP for more information.
- Once the cancellation is processed, HIC will notify Department via PRISMS, the student will receive a copy of their cancelled CoE and a copy will be placed in their file along with all the documentation.

HIC Initiated Deferral, Suspension or Cancellation

HIC may defer commencement of a course when a course is not offered by HIC on the agreed proposed start date due to insufficient numbers. HIC may suspend or cancel enrolment in the following circumstances:

- i. HIC may **suspend** a student enrolment in the following instances:
 - a. Compassionate or compelling circumstances (e.g. illness where a medical certificate states that the student is unable to attend classes)
 - b. Student misbehaviour, as outlined in the Code of Conduct (Student) policy.
- ii. HIC may **cancel** a student enrolment in the following instances:
 - a. Student demonstrates serious misconduct as outlined in the Code of Conduct (Student) policy.
 - b. Unsatisfactory attendance and course progress. See HIC's Monitoring Attendance and Monitoring Course Progress Policies and Procedures for further information.
 - c. Non payment of outstanding fees.

In cases where **suspension** or **cancellation** of the student's enrolment is initiated by HIC, student will be notified in writing and given 20 working days to access HIC's internal complaints and appeals process. The student will be directed to HIC's website or contact the PEO or Student Support Officer to complete the Complaints and Appeals application form.

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If the student chooses to:

- i. access HIC's appeals process then HIC will maintain the student's enrolment (i.e. not notify Department via PRISMS until the internal appeals process is completed, unless extenuating circumstances* relating to the welfare of the student or the safety of others apply. Please refer to Complaints and Appeals Policy and Procedure for further information.
- ii. access an external appeals process as per the provider's policy HIC does not have to wait for the outcome of an external appeal before notifying the Department of Education of the change to the student's enrolment status.

The student will be informed that cancellation or suspension of their enrolment may affect their student visa and will be advised to contact the DIBP to obtain relevant and current information.

During the 20 working day appeals process, students will be provided the opportunity to continue to attend class so as not to deny them learning opportunities and disadvantage their subsequent studies should the appeals process find in their favour. The only exclusion to this is in the case of a student who is in breach of the code of conduct and is a risk to his/herself or to the safety of others.

PRISMS Instructions

- a. **If HIC is cancelling a student's enrolment** then HIC notifies the Department via PRISMS that it is permanently cancelling the student's enrolment. Once this process is complete, the student's CoE status will be listed as 'cancelled'
- b. **If HIC is deferring or suspending a student's enrolment** for a period without affecting the end date of the CoE then HIC notifies the Department via PRISMS of the same. In this case there will be no change to the CoE or the student's enrolment status on PRISMS. i.e. the student's CoE status will still be listed as 'studying'. This information will simply be kept for future reference by DIBP.
- c. **If HIC is deferring or suspending a student's enrolment** for a period which will affect the end date of the CoE then HIC notifies the Department via PRISMS of the same. In this case, PRISMS will cancel the original CoE and immediately offer HIC the opportunity to create a new CoE with a new end date. If HIC does not know when the student will return, then HIC will wait until the student has notified HIC of the intended date of return before creating the new CoE.

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Evidence requirements

Evidence submitted will be assessed and deemed valid by HIC according to the following:

Medical Certificates must:

- Be issued by a Certifying Health Practitioner (i.e. General Practitioner, Psychiatrist or Specialist)
- State that the student was medically unfit to attend classes
- State the duration of absence
- State the Certifying Health Practitioner's contact details

Police Reports must:

- State the police officer's contact details

Psychological Reports must:

- Be issued by a registered psychologist
- Indicate the student's psychological incapacity to attend class
- State the psychologist's contact details

Visa refusal letter from the Australian Government with their letterhead

Additional Guidelines & Notes

- a. Please refer to HIC's *Refund Policy* for further information relating to refunds in the event of a deferment, suspension or cancellation.
- b. Once HIC notifies the Department of the suspension or cancellation of a student's enrolment, the student has 28 days to leave Australia, to show DIBP a new CoE by enrolling in an alternative course (to satisfy student visa condition 8202) or to provide DIBP with evidence that he or she has accessed an external appeals process. DIBP will then consider the student's individual circumstances and whether to cancel or maintain the student's visa.
- c. International students can temporarily suspend enrolment for a maximum period of 1 semester (equivalent to 6 months or 2 study periods).
- d. Deferral, suspension or cancellation of enrolment may affect the student's visa.
- e. If an international student's enrolment is suspended for more than six months, the student's visa may be cancelled by Department of Immigration and Border Protection (DIBP).
- f. Information entered onto PRISMS is electronically transferred to DIBP.
- g. If a student does not return to studies after a break, HIC will consider the student to have 'inactively' advised that they will not be continuing with their studies. In this case, HIC will notify Department via PRISMS of 'student notified cessation of studies' by going to the Student Course Variation screen and choosing 'Termination prior to completing the course'. The 'termination reason' will be 'Student notified cessation of studies'. HIC may wish to enter a comment such as 'Student did not return' or 'Student did not re-enroll'. There will be no requirement to send a Notice of Intention to report letter and observe the associated appeals requirements; nor notify the student of HIC's intention to cancel their studies as this action is not considered against the student's will.

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- h. *Retrospective suspension or deferment* – HIC will not authorise and report a deferment or suspension retrospectively unless there are unusual circumstances where it may be required. E.g. a student has an accident whilst on holiday overseas and does not turn up to class at the beginning of the semester. In this case a retrospective deferment may be justified if the student is unable to contact HIC following the accident. Second e.g. of a student is required to return home at short notice for urgent medical attention (before requesting a suspension of studies), HIC could grant a suspension of studies retrospectively, that is, when the student returns to study and requests this suspension.
- i. Students are advised to contact the DIBP to obtain the relevant and updated information that may affect their student visa.
- j. Weddings, cultural and religious activities are not acceptable reasons for suspension of studies.
- k. When a student is deferred, suspended or enrolment cancelled the course fees, which are scheduled in the student's contract, will remain due on the scheduled dates (unless written off by PEO).
- l. A copy of all documentation related to the assessment of student's deferral, suspension and cancellation application will be kept in the student's file.

RELATED DOCUMENTS			
ESOS	National Code Part D Standard 13		
Standards for Registered Training Organisations 2015	Standard 6		
POLICIES	Complaints and Appeals; Course completion within expected duration ; Course Progress Policy and Procedure ; DIBP Notification Policy and procedure; Fees and charges policy and procedure; Refund policy and procedures, Code of Conduct (student) policy and procedure, USI Implementation policy and procedure; Critical incident policy and procedure		
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