



DEFERRAL, SUSPENSION OR CANCELLATION OF OVERSEAS ENROLMENT POLICY AND PROCEDURE

Legislation	<ul style="list-style-type: none"> • ESOS Act 2000 • The National Code 2018, Part B – Standard 9 Deferring, suspending or cancels the overseas student’s enrolment
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Purpose

This policy and procedure supports:

1. The National Code 2018, Part B – Standard **9 Deferring, suspending or cancelling the overseas student’s** enrolment which states that:

“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...9.3 A registered provider may suspend or cancel a student’s enrolment...”

Scope

This policy/procedure applies to all international students of ACE.

Definitions

Deferment:	A request by the student prior to the commencement of the study period to temporarily postpone study (Student initiated).
Leave of Absence:	A request by the student to temporarily postpone study after the commencement of the study period (Student initiated).
Suspension:	When the enrolment of a student in his or her course of study is suspended for a period of time, after which the student may recommence study.
Cancellation:	CoE is cancelled. Student must re-apply if he or she wishes to continue study.

1. Policy

1.1 ACE allows changes to a student’s enrolment to take place by way of assessing, approving and recording a deferment of the commencement of study or suspension of study for the student, including keeping documentary evidence on the student’s file of the assessment of the application.

1.2 ACE can defer or temporarily suspend the enrolment of the student on the grounds of compassionate or compelling circumstances

1.3 ACE can suspend or cancel a student’s enrolment on the basis of:

- A student making unsatisfactory course progress.
- A student’s failure to pay the amount owed to ACE to undertake or continue their course of study as outlined in their *Letter of Offer & Agreement*.
- Misbehaviour by the student

1.4 Procedure Summary

In the event that ACE intends to suspend or cancel an overseas enrolment the following procedure must occur:

1. The student must be informed in writing of the reason for suspension or cancellation
2. The student must be informed in writing of ACE's complaints and appeals process that may be accessed within 20 days of the student being informed of the impending suspension or cancellation.
3. In the event that ACE intends to defer, suspend or cancel an overseas enrolment the following procedure must occur:
 1. The student must be informed in writing of the need to seek advice from the Department of Home Affairs of any potential impact upon their student visa
 2. Suspension or cancellation cannot take place by ACE until any appeals process has been completed, unless the student's health, wellbeing or the wellbeing of others is at risk.

1.5 The following three categories are covered under this policy and the processes are detailed below:

- a. **Student requests for Deferral or Suspension of Enrolment:** The policy enables students to defer or temporarily suspend their studies, including granting a leave of absence, during the course through formal agreement in certain limited circumstances.
- b. **Student requests for Cancellation of Enrolment:** The policy enables student to cancel their enrolment* for personal reasons (compassionate or compelling circumstances or other) or transferring to another registered provider.
- c. **ACE initiated Suspension or Cancellation:** ACE may seek to cancel or suspend the student's enrolment.

2. 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 ACE and further deals with the subsequent reporting requirements to the Department of Home Affairs via PRISMS and the responsibility of ACE to keep and maintain records of all relevant documents in the student's file.

1.1 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.

**Compassionate or Compelling Circumstances*

ACE considers these circumstances seriously and professional judgement is used to assess each case on its individual merits.

Definition: Compassionate or Compelling Circumstances are generally those beyond the control of the student and which affects the student's course progress or well-being. These could include (but not limited to):

- Where a student is unable to begin studying on the course commencement date due to a delay in receiving a student visa; or

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- Serious illness or injury – where a medicate certificate states the student was unable to attend classes; or
- Bereavement of close family member such as parents or grandparents (where possible a death certificate should be provided); or
- Major political upheaval or natural disaster in home country requiring emergency travel and this has impacted on the students studies; or
- A traumatic experience which could include:
 - Involvement in, or witnessing of a serious accident; or
 - Witnessing or being victim of a serious crime, and this has impacted on the student (these cases should be supported by police or psychologists' reports)
- Where ACE was unable to offer a pre-requisite unit.

NB: Other reasons may be considered but documentary evidence must be provided to support the claim.

- b. Students may request a deferral of the commencement or temporarily suspend their course by completing the Application of Deferral or Suspension of Enrolment form and submitting it with the appropriate supporting evidence to the Course Coordinator 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 far as possible).
- d. The Course Coordinator 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. The Course Coordinator will review the student's application and provide a response by 10 working days.
- e. Once the suspension or deferment is processed the student will receive a written letter from the Course Coordinator granting suspension or cancellation. Thereby, if any deferment or suspension is processed, ACE will notify the Department of education and training through PRISMS.
- f. The student will be informed of the impact of the deferral or suspension of his/her enrolment may have on his/her student visa and will be advised to contact the DHA 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 stored in their file.

NB: A student's enrolment can be suspended for a maximum period of one semester (equivalent to 6 months or 2 study periods).

2.2 Student Initiated Cancellation:

- Student requesting cancellation of their enrolment must complete the Cancellation of Enrolment Form and submit it with relevant supporting evidence to the Course Coordinator at least 14 days prior to their anticipated cancellation date.
- The Course Coordinator will review the application and determine whether the application for cancellation will be granted. The Course Coordinator will review the student's application and provide a response by 10 working days.
- The student will be informed on the impact of the cancellation of his/her enrolment may have on his/her student visa and will be advised to contact the Department of Home Affairs for more information.

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- Thereby, if any cancellation is processed, ACE will notify Department of Education and Training via PRISMS

2.3 ACE Initiated Deferral, Suspension or Cancellation

- a. ACE **may defer** commencement of a course when a course is not offered.
 - i. ACE may **temporarily 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 Student Code of Conduct.
 - ii. ACE may **cancel** a student enrolment in the following instances:
 - a. Student demonstrates serious misconduct as outlined in the Code of Conduct.
 - b. Unsatisfactory course progress.
 - c. The student visa or enrolment was based on fraudulent evidence.
- b. In cases where **suspension** or **cancellation** of the student's enrolment is initiated by ACE, student will be notified in writing and given 20 working days to access ACE's internal complaints and appeals process. The student will be directed to ACE's website or contact the Student Support Services Officer to complete the Complaints and Appeals application form. If the students chooses to:
 - i. access ACE's appeals process then ACE must maintain the student's enrolment (i.e. not notify DHA 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.

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

- is missing;
- has medical concerns, severe depression or psychological issues which lead ACE 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.

NB: Any claim of extenuating circumstances will need to be supported by appropriate evidence (see Guidelines of Evidence below)

- c. The student will be informed on the impact of the cancellation or suspension of his/her enrolment may have on his/her student visa and will be advised to contact the Department of Home Affairs to obtain relevant and current information.
- d. 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.

2. PRISMS Instructions

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- d. **If ACE is cancelling a student's enrolment** then ACE notifies the DHA 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'
- e. **If ACE is deferring or suspending a student's enrolment** for a period without affecting the end date of the CoE then ACE notifies the DHA 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 DET.
- f. **If ACE is deferring a student's enrolment for compassionate or compelling reasons** then: ACE must ensure the student holds a valid CoE in PRISMS. The start date for this CoE should reflect the student's intended date of return to studies.
- g. **If ACE is deferring or suspending a student's enrolment** for a period which will affect the end date of the CoE then ACE notifies the DHA via PRISMS of the same. In this case, PRISMS will cancel the original CoE and immediately offer ACE the opportunity to create a new CoE with a more appropriate end date. If ACE does not know when the student will return, then ACE will wait until the student has notified ACE of the intended date of return before creating the new CoE.

3. Guidelines for Evidence

Evidence supplied will be assessed and deemed valid by ACE according to the following guidelines:

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

Death Certificate must:

- Be certified
- Translated into English

Police Reports must:

- State the police officer's contact details

Psychological Reports must:

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

Evidence to verify visa refusal must be a letter from the Australian Government with their letterhead.

NB: Failure to supply documented evidence will result in compassionate or compelling circumstances being deemed as non-existent.

4. **Responsibility**

- CEO
- Compliance Officer
- Student Support Services Officers

5. **Forms / Policies**

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Primary Forms

Deferral or Suspension of Enrolment Form
Cancellation of Enrolment Form

Secondary Forms

Refund Request Form

Secondary Forms

Refund Policy

6. Implementation

This Procedure will be implemented using the following strategies:

- All staff are informed and provided complete information of the above during their induction.
- The above policy and procedure is maintained on the ACE's Public Drive and Website

7. Forms / Record Keeping

Title	Location	Responsible Officer	Retention Period
Deferral or Suspension of Enrolment Form and Cancellation of Enrolment Form (and all relevant documentary evidence attached for both forms)	Student File	Course Coordinator	7 years