

## DEFERRING SUSPENDING OR CANCELLING STUDENT'S ENROLMENT POLICY & PROCEDURE

### National Code Standard 9

#### Student Deferment of Studies

Students can only apply to Skilled Services Australia Pty Ltd t/a Skills Institute Australia (SIA) for deferment or suspension of their studies for compassionate or compelling circumstances (defined as those beyond the control of the student and which have an impact on course progress or wellbeing).

#### Suspension of study requested by student

Once the student has commenced the course, Skills Institute Australia (SIA) will only grant a suspension of study for compassionate and compelling circumstances. These include but are not limited to:

- Illness, 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 that has impacted on studies
- A traumatic experience which has impacted on the student (these cases should be, where possible, supported by police or psychologists' report)

The period of suspension will **not** be included in attendance calculations.

#### Deferral prior to commencement

Students may request a deferral prior to course commencement. Requests must be in writing and addressed to the Compliance Manager. If the deferral is approved the student will receive a revised Letter of Offer and CoE. There may be a cost incurred for reissuing the CoE, refer to Fees Schedule on Student Contract.

All applications for deferment or suspension will be considered and the decision provided in writing to the student within 10 working days from the date of application.

SIA may choose to grant or decline any student's request for deferment or suspension of studies. All documentation including reasons is to be kept on the student file.

If students apply to suspend their studies the maximum allowable period of suspension is one (1) month.

Students may be required to apply for a new student visa to continue their course.

Compassionate or compelling circumstances are 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.

SIA will use our professional judgement to assess each case on its individual merits. Documentary evidence will be required to support any compassionate/compelling application. All evidence/notes/comments must be kept on the student file.

SIA may temporarily suspend or cancel a student's enrolment if it deems the student's behaviour to be unacceptable for the educational setting. Student Code of Conduct/Behaviour/Rules are provided to students in the International Student Handbook and/or via hyperlinks and explained during orientation.

Regardless of whether the 'suspension of enrolment' at the student's request or a provider-imposed suspension (due to misbehaviour), the period of suspension entered in PRISMS should **not be** included in attendance monitoring calculations.

### **Institute Initiated Deferments, Suspensions or Cancellations**

#### **Suspension**

- The institute may initiate a suspension of studies on the grounds of misbehaviour of a student, in accordance with the institute's Student Code of Conduct/Behaviour/Rules.
- Attendance will not be recorded during a period of suspension (if the institute is required to report on attendance).
- Course suspension will be recorded on PRISMS.
- SIA may recommend a student who will be absent for an extended period of time for genuine reasons to 'suspend' their enrolment until they are able to return to class. Medical evidence etc would be required prior to any consideration by SIA.

#### **Cancellation**

SIA may initiate the cancellation of a student's course

- On the grounds of misbehaviour, in accordance with SIA's Student Code of Conduct/Behaviour/Rules
- due to the student no longer holding a Student Visa
- due to the student's failure to pay course fees
- Student not being a *genuine/bona fide* student, being, they do not attend class or progress in their course as further defined below.
- Course suspensions/cancellations will be recorded on PRISMS.
- If a student commits a serious breach of the Code of Conduct/Behaviour (e.g. threatening the life of another student or teacher) the police will be called and an immediate cancellation of their enrolment is allowed in this circumstance. The institute will then notify the Department of Home Affairs (DHA) via PRISMS and call DHA for further instructions/guidance if needed.

**A non genuine/non bona fide student is defined by SIA as a student with erratic (irregular/ inconsistent) course progress or does not progress in their course and does not attend/does not participate in regular classes.** The institute will ensure that prior to enrolment; students are made aware of the grounds on which cancellation of enrolment may occur, as provided to them via the International Student Handbook and / or website hyperlinks.

SIA can suspend or cancel a student's enrolment against the student's wishes, provided that the suspension or cancellation is consistent with SIA policies and/or Australian Law. Before suspending or cancelling a student's enrolment, the institute must notify the student of its intention to take such action and allow the student 20 working days to access the complaints and appeals process. (See: *Complaints and Appeals Policy*).

Students are advised that a deferment or suspension of their studies may affect their visa.

SIA is not required to wait for the outcome of any **external appeals** process before notifying the Department of Education and Training (DET) of the cancellation of the student's enrolment.

Students who have their enrolment suspended/cancelled are subject to the rules of the refund policy regarding any refund of fees.

Where SIA has reason for concern for the welfare of the student or those with whom the student may come into contact, the institute will cancel the student's enrolment prior to completion of any appeals process.

Students have 20 working days in which to initiate the institute's Complaints and Appeals process. Notification on PRISMS will not occur until the result of the internal appeals process is known, unless extenuating circumstances relating to the welfare of the student apply, such as:

- the student is at risk of committing a criminal offence or is the subject of investigation relating to criminal matters
- the student's actual or threatened behaviour poses a threat to another staff/students/person
- student has medical or psychological problems that may affect their well-being
- the student cannot be located

**If a student's visa is cancelled by SIA, students must contact DHA within 28 days to inform DHA of their plans (to find another course, return home or access an external appeals process) and take all relevant paperwork (for example, new CoE) to DHA.**

## PROCEDURE

Students must apply in writing for a deferment/suspension/cancellation of their studies.

All applications for deferment or suspension will be considered and the decision provided in writing to the student within 10 working days from the date of application.

The application will be assessed on its own merits by SIA staff (documentary evidence should be included with the application) and then referred to the CEO for approval of the decision including reasons for the favourable or not favourable decision.

SIA will only grant deferment or suspension of their studies for compassionate or compelling circumstances. If a deferment or suspension is granted, students must be notified in writing that they need to contact DHA for information of how the change may or may not affect their visa.

All outcomes of an application for deferment or suspension must be advised to students in writing and documentation and notes kept on the student file.

SIA can suspend or cancel a student's enrolment provided that the suspension or cancellation is consistent with the institute policies and/or Australian Law. Before suspending or cancelling a student's enrolment the institute must notify the student of its intention to take such action and allow the student 20 working days to access the complaints and appeals process. (see: *Complaints and Appeals Policy*).

If the complaints and appeals policy is accessed, SIA should not notify The Department of Home Affairs (DHA) of a change to the enrolment status **until the internal complaints and appeals process is completed** unless there are extenuating circumstances relating to the student.

SIA must notify DHA through PRISMS when permanently cancelling a student's enrolment.

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

- is missing;

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- 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.

SIA is not obligated to continue providing learning opportunities throughout the 20 working days or any subsequent period of appeal, however the institute will provide students with work to complete outside of the classroom until the appeal process is complete via electronic means. In this instance, students must continue to meet the academic requirements of the course.

Should a student not return after a period of suspension, SIA staff will notify DHA through PRISMS of 'student notified cessation of studies.' The 'termination reason' will be 'Student notified cessation of studies'. A comment should be entered that the 'Student did not return' or 'Student did not re-enrol'.

In this instance SIA is not required to send a Notice of Intention to report letter and observe any appeals requirements, OR to notify the student of the intention to cancel their studies.

Students must be advised of their right to access the complaints and appeals process (regardless of the reason for cancellation).

Students who have their enrolment suspended are subject to the rules of the refund policy regarding any refund of fees.

Once SIA notifies DHA via PRISMS of a student's cessation of studies, the student must leave Australia, obtain enrolment in an alternative course or apply for a different visa within 28 days of cessation. If a student chooses to leave Australia, the student's visa will be subject to cancellation.

SIA will not authorise and report a deferment or suspension **retrospectively** unless there are **unusual circumstances** where it may be required. In this instance the institute would seek advice firstly from the Regulator/DHA.

SIA will record any 'period of exclusion' from class as absence (where the enrolment is not officially suspended on PRISMS) and include this absence in attendance monitoring calculations (potentially putting a student with marginal attendance in danger of being reported for unsatisfactory attendance).

SIA is not required to wait for the outcome of any **external appeals** process before notifying DHA of the cancellation of the student's enrolment.

Where SIA has reason for concern for the welfare of the student or those with whom the student may come into contact, the institute will cancel the student's enrolment prior to completion of any appeals process.

In this instance SIA WILL notify DHA through PRISMS that it is cancelling of a student's enrolment for disciplinary reasons and the **extenuating circumstances** will be entered into PRISMS and documented and kept on the student file. However, students are still able to appeal the decision from their Australian residence or home country.

SIA will advise students it is a condition of their visa to contact DHA within 28 days to inform DHA of their plans (to find another course, return home or access an external appeals process) and to take all relevant paperwork (for example, new CoE) to DHA.

Where a student's misbehaviour leads to a criminal conviction the current visa and future visa applications may be cancelled or refused on character grounds.

SIA must also notify DHA through PRISMS that it is deferring or suspending a student's enrolment if the deferment / suspension will affect the end date of the CoE. PRISMS will then cancel the original CoE, and the processing officer given the opportunity to create a new CoE with a revised end date. If it is not known when the student will return, the option to not create a new CoE at that point should be taken. Once the student has notified SIA of their intended date of return a new COE can then be created.

### **Deferring or suspending that does affect the end date of the COE:**

SIA notifies The Department of Education and Training (DET) through PRISMS that it is **deferring or suspending** a student's enrolment for a period which **will affect the end date of the CoE**.

In such situations, PRISMS will cancel the original CoE, and immediately offer the opportunity to create a new CoE with a more appropriate end date. If it is not known when the student will return, the option to not create a new CoE at that point should be used. Once the student has notified SIA of their intended date of return a new COE can then be created.

### **Deferring or suspending that does not affect the end date of the COE:**

SIA notifies DHA through PRISMS that it is **deferring or suspending** a student's enrolment for a period **without affecting the end date of the CoE**.

In this case there is 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. However, the notice of deferment or suspension will be record in PRISMS.

### **NOTE:**

Prior to the expected commencement date of a course, if a student has a student visa, the status on PRISMS will be 'Visa Granted'.

On the expected course commencement date, the student's status on PRISMS automatically changes to 'Studying' and will remain as 'Studying' unless the provider notifies through PRISMS that this is incorrect.

Where a student cannot start on the expected commencement date for compassionate or compelling reasons and SIA has agreed to the student's request for a later starting day; and the end date of the course will not be affected; the Institute will not defer the commencement of enrolment.

### **Cancelling COE**

SIA notifies DHA through PRISMS that it wishes to **permanently cancel (terminate)** the student's enrolment. Once this process is complete, the student's CoE status will be listed as 'cancelled'.

If a student commits a serious breach of the Code of Conduct/Behaviour (e.g. threatening the life of another student or teacher) the police will be called and an immediate cancellation of their enrolment is allowed in this circumstance. SIA if any will then notify DHA via PRISMS and call DHA for further instructions/guidance if needed.

## **Student does not return after suspension or holiday/break**

Should a student not return after a period of suspension, SIA staff will notify DHA through PRISMS that 'student notified cessation of studies'. The 'termination reason' will be 'Student notified cessation of studies'. A comment should be entered that the 'Student did not return' or 'Student did not re-enrol'.

Should a student not return to SIA after a break/holiday, the institute will notify DHA via PRISMS of 'student notified cessation of studies' through the course variation screen with 'termination prior to completing course' as the reason.

An additional comment should be added into PRISMS advising student did not return or re-enrol into the course. In this instance, SIA IS NOT required to send a Notice of Intention to report or wait any appeals process before cancelling the student's visa. By not re-enrolling the student has 'inactively' advised the institute that they do not intend to continue their study.

SIA will not authorise and report a deferment or suspension retrospectively unless there are unusual circumstances where it may be required.

## **Students excluded from class for misbehaviour**

The institute will record the period of exclusion from class as absence and include this absence in attendance monitoring calculations (potentially putting a student with marginal attendance in danger of being reported for unsatisfactory attendance) if the institute is required to monitor and report on attendance.

## **FORMS/LETTERS /TEMPLATES FOR POLICY/PROCEDURE**

*Application for Transfer, Suspension, and Cancellation form*

*Letter for Suspension of Enrolment*

*Letter for Cancellation of Enrolment*

*Student Code of Behaviour Sample*

## **REFER:**

[Standard 9: Deferring, suspending or cancelling the overseas student's enrolment](#)