

# Policy: Overseas Student Visa Requirements

## National Code Standard 8

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## **Completion of studies in the expected duration of the confirmation of enrolment and online / distance study**

Skilled Services Australia Pty Ltd t/a Skills Institute Australia (SIA) staff will constantly monitor student assessments and workloads and record any changes /variations on the student file.

Skills Institute Australia will monitor every student's enrolment load a minimum of once per study period to ensure students can complete the course in the duration as per the Confirmation of Enrolment (COE).

A generic course progress policy may not be appropriate for more than one course. Courses that require additional or varied progress rules will be provided a separate course progress policy.

Trainers will discuss any concerns with students and offer assistance as situations arise to help prevent students falling behind in their course progress. Trainers will constantly monitor the progress of students and report any concerns to the Compliance Officer as soon as identified.

Any student that fails a unit of competency in their course may be considered 'at risk' to not complete the course in the expected duration and intervention strategies can be commenced at any point, if approved by the Compliance Officer, at the discretion of the Compliance Officer.

Students may take a normal, reduced or increased study load in each study period, as long as the workload is monitored to ensure the student completes the course within the duration specified on the COE.

The expected course duration for overseas students should not differ from the expected duration for domestic students.

A student is expected to complete their course within the duration of their COE unless compassionate and compelling circumstances are approved where the student was unable to attend classes for example, due to illness or SIA was unable to offer a pre-requisite unit; the student is under an intervention strategy identified as at risk of not meeting course progress or the student has an approved deferment or suspension of studies granted refer Deferring, Suspending or Cancelling a Student's Enrolment Policy and Procedure, Standard 9.

### **COE extensions**

SIA will only extend the duration of a COE

- Under compassionate or compelling circumstances, when it is clear the student will not be able to complete by the end date of the COE.
- where intervention strategies have been implemented for students at risk of not completing satisfactory course progress
- where there is an approved deferment or suspension of study

Student progress is assessed and recorded at the minimum on completion of each unit of competency / or once each study period, whichever period is less.

Any intervention required is acted upon and discussed with students as needed.

Students are encouraged to increase their workloads to 'catch up' on any missed units. SIA is open 6 days per week to further assist students.

*Compassionate or compelling circumstances may be deemed as serious illness; bereavement of a closely related family member (evidence will be required); natural disasters; traumatic experience or political upheaval in home country.*

Should students refuse to maintain an agreed and approved workload; the student will be firstly counselled and then warned of impending visa implications.

If there are compelling or compassionate reasons, SIA may grant the student a less than 'full time' workload. This would be monitored as part of the student's intervention strategy.

SIA will issue a new COE should the student need to extend the duration of their course.

A student who deliberately under-enrols may represent a risk for SIA's compliance of Standard 8. This could result in a cancellation of the student's enrolment according to SIA policy.

In this instance SIA would implement one of two options

- cancel the student's enrolment when the student refuses to enrol in an appropriate load; or
- Document the student's behaviour and, if the student requests an extension of duration of study, refuse to extend the COE.

### Intervention strategies

Intervention strategies are tailored to meet each student's individual needs. Formal intervention strategies and counselling of the student will be implemented.

Intervention Strategies could include:

- attending academic skills programs
- attending tutorial or study groups
- receiving individual assistance / mentoring
- attending study groups
- attending counselling
- receiving assistance with personal issues which are influencing progress
- being placed in a suitable alternative subject within a course or a suitable alternative course; or
- a combination of the above and a reduction/increase in course load.

### Online / Distance study

Where courses are approved for distance or online study modes, SIA will ensure students do not exceed the 1/3 of the total course by online /distance mode. In each compulsory study period students must complete at least one unit face to face unless it is the last unit of the course. Details of online/ distance modes are also to be kept on the student file and listed on the Student Letter of Offer.

- Only courses that are registered with the regulator as having online/ distance components can be offered for this mode of study.
- No international student can study entirely online or by distance in any compulsory study period.

- School students can only study by online or distance mode on top of their full-time face to face study hours.
- Students may study up to but no more than 1/3 of their total course by online or distance mode.
- Students units of competency are monitored each compulsory study period to ensure they are studying at least one unit (1) face to face unless it is the final unit of the course.
- During non-compulsory study periods students may study entirely by distance or online. However, students cannot study more than 1/3 of the total enrolment load by online or distance learning.
- Students are monitored to ensure they will complete their course with the Expected Duration as per their COE.

### Definitions

- Distance: Students and trainer are separated in time or space. Study may be done via written or hard copy documents.
- Online: Students and trainer communicate mainly through electronic technology.
- 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
  - 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; and 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) or where SIA was unable to offer a pre-requisite subject/unit.
- Any other circumstance would require evidence to be considered as compassionate or compelling.

### Procedure

The progress of each student is monitored, recorded and assessed for each unit of competency in which they are enrolled.

Student progress must be monitored to ensure they are on track to complete within the duration of their COE. This is recorded via our Student Management System (SMS) and relevant notes kept on student files.

The Compliance Manager will monitor PRISMS at least monthly to ensure COEs are issued no longer than the approved duration as registered on CRICOS via the Course Duration Comparison Report.

Any change to the course's approved delivery mode, must first be sought by the regulator before implementation.

SIA teaching staff will monitor every students enrolment load a minimum of once per study period and on completion of each unit of competency to ensure students can complete the course in the duration as per the Confirmation of Enrolment (COE) and add notes to the student file.

After all results are available, Trainers request the Academic Manager to authorize the addition of units that have been failed in the previous term to be added to the student's current term timetable to enable the student to complete units within the expected duration and fulfil pre-requisite requirements. Support and / or intervention would be offered to the student at this time.

SIA will only extend the duration of a COE

- Under compassionate or compelling circumstances, when it is clear the student will not be able to complete by the end date of the COE.
- where intervention strategies have been implemented for students at risk of not completing satisfactory course progress
- as approved deferment or suspension of study

Staff are to firstly encourage students to increase their workloads to 'catch up' on any missed units. SIA is open 6 days per week to further assist students. Trainers are to consult with the Academic Manager before increasing or decreasing student workloads.

Where SIA decides to extend the duration of the student's study due to any of the conditions above, SIA will report via PRISMS and/or issue a new COE if required. PRISMS will indicate to the user if a new COE is required. This reporting must be done within 31 days of the determination that the student will need to change/extend the duration of their COE unless the student is under 18 in which they must be reported within 14 days.

### **COE changes performed by Admission staff**

- When the student is required to repeat units in a term or study period, Admissions staff will be notified by the Academic Manager, whether or not a change to the student COE and / or an update in PRISMS is required.
- Any record of variations to student enrolment must be kept on the student's file and updated in PRISMS as applicable.
- Any record of online and distance education study must be kept on student's files.

A student CAN enrol in less than a 'full-time' load in any study period if:

- there are compassionate or compelling reasons for reducing the load
- the reduced load is part of the provider's intervention strategy
- the student has studied, or plans to study, extra units in another study period
- the student has only a few units left to complete and these do not constitute a full-time load
- Pre-requisite units are not available in that study period.

By studying less than what used to be considered a 'full-time' load, a student is at risk of not completing the course within the expected duration as specified on the student's COE. Therefore the student may need to catch up by studying subjects during a non-compulsory study period or by overloading in some compulsory study periods to compensate for those study periods in which the student was studying a reduced load.

A student who deliberately under-enrols may represent a risk for SIA's compliance of Standard 9 (refer Student Rules/Code of Behaviour). In this instance SIA would implement one of two options -

- Cancel the student's enrolment when the student refuses to enrol in an appropriate load (as outlined in SIA's Deferring, Suspending or Cancelling a Student's Enrolment Policy and Procedure, Standard 9 and stated on the Written agreement Std 2 & 3
- Document the student's behaviour and, if the student requests an extension of duration of study, refuse to extend the COE as outlined in SIA's Deferring, Suspending or Cancelling a Student's Enrolment Policy and Procedure, Standard 9

SIA must inform the student of its intention to cancel the student's enrolment and notify the student that he or she has 20 working days to access the Complaints and Appeals process.

If the second option is chosen SIA must make the reasons for not granting a further COE clear to the student.

Regardless of the option chosen, SIA must be able to demonstrate that it has monitored the student's load and taken action to keep the student on track to finish within the duration.

## Monitoring course progress policy and procedure

SIA will assess, monitor and record student results on completion of each unit of competency or at the end point of each study period, at the minimum.

The ESOS framework and DHA visa conditions require that students maintain satisfactory academic progress in their course.

A generic course progress policy may not be appropriate for more than one course. Courses that require additional or varied progress rules will be provided a separate course progress policy.

Unsatisfactory progress is defined by SIA as not successfully completing or demonstrating competence in at least 50% of the course requirements in a study period.

SIA advises the course and study requirements of each study period clearly to students on commencement. Any variations are advised to students in writing as soon as they are known.

Trainers will discuss any concerns with students and offer assistance as they arise to help prevent students falling behind in their course progress. Trainers will constantly monitor the progress of students and report any concerns to the Compliance Officer as soon as identified.

Any student that fails a unit of competency in their course may be considered 'at risk' to not complete the course in the expected duration and intervention strategies commenced at any point, if approved by the Compliance Officer. This is at the discretion of the Compliance Officer.

For the purpose of course progress SIA defines a study period as 1 term.

SIA will at the minimum monitor and record student's course progress on completion of each unit of competency or a minimum of once per study period. Students are notified in writing as soon as it is identified they are 'at risk' to not achieve satisfactory course progress (80% course progress or less) during a study period. Students will be required to meet with a trainer or the academic manager to discuss what action is to be taken.

Intervention strategies are tailored to meet each student's individual needs. Formal intervention strategies and counselling of the student will be implemented as soon as a student is identified at risk.

Intervention Strategies could include:

- attending tutorials/ study groups
- receiving individual assistance
- attending counselling
- receiving assistance with personal issues which are influencing progress
- receiving mentoring
- being placed in a suitable alternative subject within a course or a suitable alternative course; or
- a combination of the above and a reduction in course load.

Should students continue to not meet satisfactory course progress they will be notified in writing as soon as it is identified they are 'at high risk' to not achieve satisfactory course progress (70% course progress



of less). Students will be required to meet with a trainer or academic manager to discuss further intervention strategies to be taken.

Students who are identified as having unsatisfactory course progress over two consecutive study periods will be reported to DHA for unsatisfactory course progress. Students in this instance will be issued with an Intention to Report Letter for not making satisfactory progress outlining to them they have 20 working days to access SIA's complaints and appeals process. All records will be kept on student files.

### Basic process

- Students who fail 20% of their units in any study period will be deemed as 'at risk', receive a warning letter and offered counselling/intervention strategies.
- Students who continue to fail 30% of their units in any given study period will be deemed as 'at high risk' and receive a 2nd warning letter and required to attend counselling and/ or undertake intervention strategies.
- Students who fail more than 50% or more units of competency over two consecutive study periods will receive an 'Intention to Report Letter'.
- Students are given 20 days from the date of the letter to initiate an internal or external appeal.
- Student enrolment will be maintained during an appeals process. Refer Complaints and Appeals Policy and Procedure NC Standard 10.

### Procedure and intervention strategy

The trainer must monitor record and assess student course progress on completion of each unit of the course or at the minimum, at the end of each study period. Details are to be kept on the student academic file and recorded in the SMS.

At any time, when a trainer becomes aware of issues or has concerns regarding the student's progress they should first speak to the student (ensuring that all communication is recorded in the student's individual file) and then advise the Compliance Manager of these concerns.

At any time during the study period if student is identified by their trainer as 'a possible risk', the student will be given a verbal warning and offered counselling and assistance. This must be documented on the student's file and advice provided to the Student Support Officer.

If the student fails more than 20% of their units of competency in a study period, they must be sent an 'at risk of being reported' for unsatisfactory course progress warning letter and advice they are required to meet with the Compliance Manager to discuss / action intervention strategies. Students may take a support person to this meeting.

If the student fails more than 30% of their units of competency in a study period, they will be sent an 'at high risk of being reported' for unsatisfactory course progress warning letter and required to meet with the Compliance Manager to discuss further action / intervention strategies. Students may take a support person to this meeting.

The warning letters will also advise students unsatisfactory course progress (less than 50% competency over two consecutive study periods), may lead to them being reported to DHA and the possible



cancellation of their visa. Students will also be told of their rights to appeal such a decision and provided a copy of the Complaints and Appeals Policy and Procedure.

Intervention Strategies to be discussed may include but not limited to

- Identify what support strategies would best suit the situation and planning implementation.
- Academic and or personal support/counselling offered to the student internally or externally as appropriate
- Planned regular follow up and feedback from the teaching staff to track progress and keep communication open
- Advice on alternate units or courses if considered more suitable or appropriate for the student
- Resitting units
- Any other support appropriate to the individual circumstances.

All records **MUST** be kept on the student file.

Course progress in a non-compulsory study period is to be disregarded when considering whether or not a student has made satisfactory course progress over two consecutive study periods.

If a student is identified for a second, but not consecutive study period as not making satisfactory course progress, SIA does not report the student for unsatisfactory course progress.

When a student fails to achieve 50% competency over two consecutive compulsory study periods this will be deemed as not making satisfactory academic progress.

The student will then be provided with a written notice of 'Intention to Report' to DHA, informing them that they are able to access the Complaints and Appeals process, and that they have 20 working days in which to do so.

The Notice of Intention to Report issued must describe intervention so far, warning letters already sent what has taken place and the intention to report the student. It also must detail their right to appeal the decision and provide advice on what the student must do regarding their visa.

## Appeals

A student may appeal on the following grounds:

- SIA's failure to record or calculate the student's marks accurately,
- compassionate or compelling circumstances, or
- SIA's documented policies and procedures that have been made available to the student were not followed.

If a student chooses to access the provider's complaints and appeals process, SIA must maintain the student's enrolment while the complaints and appeals process is ongoing as per the Complaints and Appeals Policy and Procedure.

If the appeal shows that there was an error in calculation, and the student actually made satisfactory course progress (successfully completed more than 50% of the course requirements over two consecutive study periods) SIA does not report the student, and there is no requirement for intervention.

If the appeals process shows that the student has not made satisfactory progress, but there are compassionate or compelling reasons for the lack of progress, ongoing support must be provided to the student through the SIA intervention strategy, and SIA does not report the student.

SIA will only await the outcome of the internal and one external appeals process before reporting a student for unsatisfactory course progress (if found in favour of SIA).

If the student chooses not to access the complaints or appeals processes within the 20 working day period or withdraws from the process, or on completion of the appeals process unsatisfactory course progress is confirmed, they will be reported to DET and DHA via PRISMS within 5 working days of finalising the decision to report, for unsatisfactory course progress.

When a student is reported for unsatisfactory course progress DHA will consider all the information available and if they decide to consider cancellation, DHA will send a Notice of Intention to Consider Cancellation (NOICC) prior to a decision being made to cancel the student's visa. Students will be given an opportunity to respond to the NOICC and explain their situation.

### **Erratic course progress as a potential indication of non-bona fide students**

If SIA suspects a student is not a genuine/bona fide student, SIA may cancel the student's enrolment, as allowed under Standard 9 and as stated in our Standard 9 policy.

A non genuine/non bona fide student is defined by SIA as a student with erratic, irregular or inconsistent course progress or does not progress in their course and does not attend and / or does not participate in regular classes. SIA 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.

All breaches to student's visa conditions must be reported via PRISMS even if the student has ceased study.

## Monitoring attendance policy and procedure

SIA policy is students should attend all classes (100%) of their course to gain optimum learning. However, if students have valid reasons for absence a minimum of 80% of their course contact hours must be maintained to avoid being reported to the Department of Home Affairs (DHA).

SIA believes good attendance is important in order to achieve the desired educational outcomes.

Maintaining satisfactory attendance is a student visa requirement.

Students must contact SIA every time they will be absent prior to the regular class time, via email, phone or SMS to a member of staff.

Students who do not advise SIA of absences will be contacted/counselled by the Student Support Officer or another staff member.

Regular class attendance is essential in order for students to progress satisfactorily in their course and to be deemed as a genuine / bona fide student.

SIA will report students for non-attendance via PRISMS as per the conditions outlined in this policy. An outcome of reporting a student for non-attendance via PRISMS is the student's visa may be cancelled.

SIA will at the minimum contact and counsel students who:

- have been absent for more than five consecutive days without approval; or
- are at risk of not attending for at least 80 per cent of the scheduled course contact hours.

All phone conversations, copies of letters, emails and notices relating to attendance will be kept on the student file.

Student attendance is monitored daily by trainers. Student absences are tracked and monitored at the end of each week.

All absences due to illness should be accompanied by a medical certificate.

Any absences longer than 5 consecutive days without approval will be investigated as a matter of urgency.

- Student Support officer will attempt to contact the student
- If student is not able to be contacted their agent will be contacted.
- Student Support Officer will counsel student on the importance of notifying SIA when absent.
- If contact cannot be made the Student Support Officer will discuss with CEO and the relevant authorities will be notified (eg police, DHA, next of kin)

Once a student's attendance drops below the defined levels and there is no possibility of the student reaching that level by the end of the study period the formal process will begin.

## Students excluded from class for misbehaviour

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).

## Absentees

If a student ceases attending a course or does not return from leave, and/ or is unable to be contacted, under Section 19(1) of the ESOS Act, SIA will notify DHA via PRISMS of termination of the students studies within 14 days of the event via a Student Course Variation. SIA in this instance does not have to give students access to the appeals process. Students would not be entitled to a refund unless at the discretion of the CEO.

## Online/ distance units:

Attendance will not be monitored because students do not attend classes for these units.

## Warning 1 – 90% Attendance

Students whose attendance falls to 90% or less will be contacted by letter/email and/or SMS to alert them that their attendance is at risk. Students will be advised to discuss the matter with the Student Support Officer.

## Warning 2 – 85% Attendance

Students whose attendance fall to 85% will be contacted by letter/email and SMS warning them that they are now at risk of being reported to DHA and they must make an appointment with the Student Support Officer ASAP for assistance/advice. Students may take along a support person.

## Intention to Report (Less than 80% Attendance)

As soon as SIA is aware a student will not achieve 80% attendance, SIA will send students an 'Intention to Report letter' which shall inform the student that they have 20 working days in which to access SIA's complaints and appeals process. The student will be given another copy of the Complaints and Appeals Policy with the Intention to Report Letter.

SIA will only await the outcome of our internal and one external appeals process before reporting a student for unsatisfactory attendance (if found in favour of SIA).

If a student chooses NOT to access the complaints and appeals processes within the 20 working day period, withdraws from the process or the process is completed and the decision is in support of SIA, SIA will notify the Secretary of DET via PRISMS that the student is not achieving satisfactory attendance as soon as practicable (within 5 working days).

SIA may decide not to report a student for 80% attendance where SIA feels the student is a genuine student and can confirm the student is attending at least 70% of the scheduled course contact hours and maintaining satisfactory academic performance, where SIA is satisfied they are a genuine/ bona fide student and where they provide:

- documentary evidence demonstrating compassionate or compelling circumstances for their absences e.g., medical illness supported by a medical certificate, and
- attendance has not fallen below 70%, and

- Academic progress is satisfactory.

Where a student with low attendance is able to demonstrate (and provide evidence of) compassionate or compelling circumstances, the Compliance Officer will assess whether a temporary suspension of studies is in the best interest of the student.

In all circumstances if the student's attendance drops to below 70%, students will be reported to DET/DHA via PRISMS.

### Definitions

- 'Medical certificate' means a certificate issued by a registered medical provider such as hospitals, doctors, dentists, physiotherapists, chiropractors, optometrists, ophthalmologists, psychiatrists and psychologists. SIA does not accept certificates from alternative medical practitioners such as herbal practitioners, acupuncturists, Chinese therapists, massage therapists, iridologists, psychics etc.
- Satisfactory course attendance. Attendance of at least 80% of scheduled course contact hours for the study period.
- Compassionate or compelling circumstances. These 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
  - 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; and 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) or where SIA was unable to offer a pre-requisite unit.
  - Any other circumstance would require evidence to be considered as compassionate or compelling.

### Procedure

- Trainers are to mark the roll a minimum of once per day.
- Student Support Officer or delegated staff member is to SMS/ring or email all students who do not notify SIA of their absence before close of business on the day of absence.
- Student Support Officer/Compliance Manager will analyse student absences a minimum of weekly and take action as per below for students 'at risk'.

All absences due to illness should be accompanied by a medical certificate. Student Support Officer is to follow up on medical certificates.

Any absences longer than 5 consecutive days without approval will be investigated as a matter of urgency.

- Student Support officer will attempt to contact the student
- If student is not able to be contacted their agent will be contacted.
- If still unable to contact student or agent the next of kin will be contacted.
- Student Support Officer will counsel student on the importance of notifying SIA when absent.
- If contact cannot be made the Student Support Officer will discuss with CEO and the relevant authorities will be notified (eg police, DHA)

### **Warning/ preventative action provided to students:**

Once a student's attendance drops below the defined levels below and there is no possibility of the student reaching that level by the end of the study period the formal process must begin.

#### **90% Attendance warning**

- Letter/email and SMS (if available) sent to alert student their attendance is at risk.
- Students will be advised to discuss the matter with the Student Support Officer.
- Student Support Officer will counsel/assist student to rectify the issue.
- All documentation/notes to be kept on student file

#### **85% Attendance**

- Students whose attendance falls to 85% or below will be contacted by letter/email and SMS warning them that they are now at risk of being reported to DHA and they must make an appointment with the Student Support Officer ASAP for assistance/advice.
- Student Support Officer will counsel/assist student to rectify the issue.
- All documentation/notes to be kept on student file

#### **Intention to Report (80% Attendance)**

- As soon as SIA is aware a student will not achieve 80% attendance, SIA will send the student an 'Intention to Report letter' which shall inform the student that they have 20 working days in which to access SIA's complaints and appeals process. The student will be given another copy of the Complaints and Appeals Policy with the Intention to Report Letter.
- Students may wish to request an interview with the CEO.

If a student chooses not to access the complaints and appeals processes within the 20 working day period, withdraws from the process or the process is completed and the decision is in support of SIA, SIA will notify the DHA via PRISMS that the student is not achieving satisfactory attendance as soon as practicable within 5 working days.

Student is reported via PRISMS should the complaint/ appeal not be substantiated (found in favour of SIA).

- SIA may decide not to report a student for 80% attendance where SIA feels the student is a genuine / bona fide student and can confirm the student is attending at least 70% of the scheduled course contact hours and maintaining satisfactory academic performance. However, SIA will issue a warning letter with counselling and support as outlined at 85%. In this instance once the student's attendance has fallen below 70 per cent, SIA must issue a notice of intention to report the student for unsatisfactory attendance, informing the student of his/her right to appeal.
- Where a student with low attendance is able to demonstrate (and provide evidence of) compassionate or compelling circumstances, the CEO will assess whether a 'suspension of studies' is in the best interest of the student. Refer Deferring, Suspending or Cancelling the Overseas Student's Enrolment Policy and Procedure

All evidence including action taken eg counselling student, must be retained on the student file.