

DEFERMENT, SUSPENSION AND CANCELLATION POLICY

Students may request a deferment or suspension of their studies during the course in limited circumstances as set out in National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007 (National Code) Standard 13.

Australian Pacific College/ Australian Pacific Travel & Tourism/ English Unlimited (the College) may also suspend or cancel a student's enrolment against the student's wish, provided that such suspension or cancellation is consistent with the College's policies and/or Australian Law. Before suspending or cancelling a student's enrolment the College 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 accessed, the College must not notify the Department of Education of a change to the enrolment status until the internal complaints and appeals process is completed and such appeal(s) are not successful.

The College must in all cases, inform the student that deferment, suspension or cancellation of enrolment may affect his or her student visa.

The College must report to the Department of Education via Provider Registration and International Student Management System (PRISMS) when a student's enrolment is deferred, suspended or cancelled.

IMPORTANT: A student may be excluded from class as a disciplinary measure. An *exclusion from class* is different to a *suspension of enrolment*, which means to temporarily put studies on hold (adjourn, delay, postpone) and which must be reported on PRISMS. An *exclusion from class* will not be reported on PRISMS.

Procedure

1) Deferment of commencement of study requested by student

- a) The College will only grant a deferment of commencement of studies for compassionate and compelling circumstances.
- b) Students must be informed that deferment of enrolment may affect his or her student visa (see below: *How the Student's CoE will be affected on PRISMS when reported*) Student's must be directed to the Department of Immigration and Border Protection (DIBP) website or helpline (131 881) for information on how the potential change to enrolment status may impact upon his or her visa.
- c) The College must, if the suspension is granted, report the suspension on PRISMS.
- d) Documentary evidence must be maintained in the students file.

2) Suspension of study requested by student

- a) a) Once the student has commenced the course, the College will only grant a suspension of study for compassionate and compelling circumstances.
- b) Students must be informed that suspension of enrolment may affect his or her student visa (see below: *How the Student's CoE will be affected on PRISMS when reported*) Student's must be directed to the Department of Immigration and Border Protection (DIBP) website or helpline (131

881) for information on how the potential change to enrolment status may impact upon his or her visa.

- c) The College must, if the suspension is granted, report the suspension on PRISMS. Documentary evidence must be maintained in the students file.
- d) Where a student is granted an extended period for suspension of study and remains in Australia for the duration of the suspension, the College may decide to make the suspension conditional upon regular communication and meetings with the college, if there are concerns about the student's welfare and support network. For the avoidance of doubt, the College may impose conditions on any suspension granted.

3) Assessing requests for deferment or suspension of studies

- a) Each application will be assessed on its own merits on a case by case basis by the Director of Administration and Student Services.
- b) The final decision for granting a deferment or suspension lies with the Director of Administration and Student Services.
- c) All applications for deferment or suspension will be considered and the decision conveyed to the student within 10 working days from the date of application by the student.

4) Exclusion from class

- a) The College may exclude a student from class on the grounds of misbehaviour by the student. Exclusion from class will occur as the result of any behaviour identified as resulting in exclusion in the College's Student Code of Conduct.
- b) Excluded students must abide by the conditions of their exclusion, which, if the student is under the age of 18 years, will depend on the accommodation and welfare arrangements in place for each student and which will be determined by the Director of Administration and Student Services.
- c) Where the student is provided with homework or other studies for the period of the exclusion, the student must continue to meet the academic requirements of the course.
- d) Exclusion from class will not be recorded on PRISMS.
- e) Periods of exclusion from class will not be included in attendance calculations.

5) College initiated suspension of studies

- a) The College may initiate a suspension of studies for a student on the grounds of misbehaviour by the student. Suspension will occur as the result of any behaviour identified as resulting in suspension in the College's Student Code of Conduct.
- b) Suspended students must abide by the conditions of their suspension from studies which, if the student is under the age of 18 years, will depend on the accommodation and welfare arrangements in place for each student and which will be determined by the Director of Administration and Student Services.
- c) Students must be directed to the Department of Immigration and Border Protection (DIBP) website or helpline (131 881) for information on how the potential change to enrolment status may impact upon his or her visa.
- d) If special circumstances exist, the student must abide by the conditions of his or her suspension which will depend on the welfare and accommodation arrangements in place for each student and which will be determined by the Academic Manager.
- e) Suspensions will be recorded on PRISMS.
- f) Before suspending a student's enrolment the College 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 below: *Complaints and Appeals*). If accessed, the College must not report the suspension on PRISMS until the internal complaints and appeals process is completed.

- g) Until the internal complaints and appeals process is completed the student's enrolment will be maintained.
- h) If the student does not access the College's complaints and appeals process or, if accessed, has exhausted all avenues of appeal without success, suspension of enrolment will be reported on PRISMS.

6) Cancellation of enrolment

- a) The College will cancel the enrolment of a student under the following conditions;
 - i) Failure to pay course fees
 - ii) Any behaviour identified as resulting in cancellation in the College's Student Code of Conduct.
 - iii) Any behaviour that leads the college to believe that it is not in the best interests of the student's welfare or the welfare of other students to continue studying, for example (but not limited to):
 - a. the student is missing
 - b. the student has medical concerns or severe depression or psychological issues which lead the College to fear for the student's wellbeing
 - c. the student has engaged in, or threatened to engage in, behaviour that is reasonably believed to endanger the student or others
 - d. where the college has reason to believe that the student is not a bona fide student
 - e. the student is deemed to have abandoned studies (see below: Abandonment of studies (non-resumption of studies))
- b) Before cancelling a student's enrolment, unless extenuating circumstances exist, the College 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 below: *Complaints and Appeals*). If accessed, the College must not report the cancellation on PRISMS until the internal complaints and appeals process is completed.
- c) Until the internal complaints and appeals process is completed the student's enrolment will be maintained.
- d) If the student does not access the College's complaints and appeals process or, if accessed, has exhausted all avenues of appeal without success, Cancellation of enrolment will be reported on PRISMS.

7) Abandonment of studies (non-resumption of studies)

- a) A student is deemed to have abandoned their studies if the student:
 - i) does not return to study within 10 days of the course resumption date after a scheduled course break (for example, the term start date), **and**,
 - ii) does not inform the College of any delay in returning to studies.
- b) Students deemed to have abandoned their studies will have their enrolment cancelled (see above: *Cancellation of enrolment*) for the reason of "ceased study".
- c) Students who return to study after cancellation of enrolment, will need to reapply for their course and pay applicable fees.

8) Non-commencement of studies (student default)

- i) A student is considered to have not commenced their studies if they do not collect their class allocation (timetable) within 2 weeks of the agreed starting date.
- ii) Students will be sent an email to advise them that they are at risk of defaulting on their course.
- iii) Students who have not commenced study by the 5th working day after the agreed starting date will have a default recorded on their CoE on PRISMS.

- iv) If a student does not commence studies or arrange for an alternate start date by midday Friday of the second week of classes after the agreed starting date, a course variation will be processed indicating that the student has not commenced studies and their CoE will be cancelled.
- v) If the student commences study before midday Friday of the second week of classes the default will be cancelled.

9) Complaints and Appeals

- i) Student requested deferment and suspension are not subject to the College's Complaints and Appeals Policy, which is available on our website www.apc.edu.au
- ii) Exclusion from class is subject to the College's Complaints and Appeals Policy.
- iii) College initiated suspension and cancellation of enrolment are subject to the College's Complaints and Appeals Policy.
- iv) For the duration of the appeals process, the student is required to maintain his/her enrolment and attendance at all classes as normal. The Principal Academic Director will determine if participation in studies will be in class or under a supervised arrangement outside of classes.
- v) If the student does not access the College's complaints and appeals process within the time provided the suspension or cancellation of enrolment will be reported on PRISMS.
- vi) If students access the College's complaints and appeals process regarding a College initiated suspension or cancellation, the suspension or cancellation will not be reported in PRISMS until the complaints and appeals process is finalised, unless extenuating circumstances relating to the welfare of the student apply.
- vii) The use of extenuating circumstances by the College to suspend or cancel a student's enrolment prior to the completion of any complaints and appeals process must be supported by appropriate evidence.
- viii) The final decision for evaluating extenuating circumstances lies with the Director of Administration and Student Services.

10) Student Information

Regardless of the reason for deferment, suspension and cancellation of enrolment students must be directed to the Department of Immigration and Border Protection (DIBP) website or helpline (131 881) for information on how the potential change to enrolment status may impact upon his or her visa.

11) Informing parents of students under 18 years of age

- a) For all students under 18 years of age the following additional steps apply:
 - i) Student Services staff contact the parents/guardian advising that their child/ward's enrolment is at risk of being cancelled.
 - ii) Parents/guardians are asked to attend an interview at the college. They can send a representative in their place.
 - iii) At the interview parents/guardians/delegated representatives are advised of the conditions for the student's enrolment to be maintained.
 - iv) Parents/guardians are advised if the student breaches these conditions and the student's enrolment is cancelled.

12) How the Student's CoE will be affected on PRISMS when reported

- a) Where the deferment or suspension will not affect the end date of the CoE → there is no change to the CoE or the student's enrolment status on PRISMS.
The student's CoE status will still be listed as 'studying'. However, the notice of deferment or suspension will be recorded in PRISMS and sent on to the Department of Immigration and Border Protection (DIBP). This information will be kept for future reference.

- b) Where the deferment or suspension will affect the end date of the CoE → PRISMS will cancel the original CoE, and immediately offer the College the opportunity to create a new CoE with a more appropriate end date.
If the College does not know when the student will return, it can choose not to create a new CoE at that point, but to wait until the student has notified the College of the intended date of return before creating the new CoE.
- c) Where the student's enrolment is permanently cancelled (terminated) → the student's CoE status will be listed as 'cancelled'.

13) Definitions

- a) Agreed starting date, for a course provided to a student, means the day on which the course is scheduled to start, or a later day agreed between the College and the student.
- b) Cancellation is defined as termination of studies.
- c) Compelling and compassionate circumstances are circumstances that are generally beyond the control of the student which have an impact upon the student's course progress or well-being. They include, but are not limited to:
 - i. illness, where a medical certificate states that the student was unable to attend classes; should be bereavement of close family members such as parents or grandparents (where possible a death certificate provided);
 - ii. major political upheaval or natural disaster in the home country requiring emergency travel that has impacted on studies;
 - iii. a traumatic experience which has impacted on the student which can include involvement in or witnessing of a serious accident or witnessing or being the victim of a serious crime (these cases should be, where possible, supported by police or psychologists' reports);
 - iv. where the registered provider is unable to offer a pre-requisite unit;
 - v. inability to begin studying on the course commencement date due to a delay in receiving the student visa;
 - vi. failure to meet the English entry requirement for the intended course.

NOTE: Holidays, weddings and similar events are not deemed by Department of Immigration and Border Protection (DIBP) to be compelling or compassionate circumstances

- d) Day means any day including weekends and public holidays in or out of term time.
- e) Deferment means to temporarily putting the commencement of studies on hold.
- f) Extenuating circumstances include:
 - i. the student refuses to maintain approved welfare and accommodation arrangements (for students under 18 years of age);
 - ii. the student is missing;
 - iii. the student has medical concerns or severe depression or psychological issues which lead the College to fear for the student's wellbeing;
 - iv. the student has engaged in or threatened to engage in behaviour that is reasonably believed to endanger the student or others;
 - v. is at risk of committing a criminal offence;
 - vi. the student is the subject of investigation relating to criminal matters;
 - vii. where the college has reason to believe that the student is not a bona fide student.

- g) Missing student means a student who is reported missing to police, whose whereabouts are unknown, and where there are fears for the safety or concerns for the welfare of that person.
- h) Psychologist report is defined as a report from the College counsellor or a registered psychologist or psychiatrist.
- i) Suspension means to temporarily putting the continuation of studies on hold. A suspension occurs when a student has commenced studies.

Policy Review

This policy will be reviewed as part of the College's three year policy review cycle or as required by regulatory changes.