

# DEFERRAL, SUSPENSION AND CANCELTION POLICY AND PROCEDURE

Approving Authority	Academic Board 24 <sup>th</sup> July 2020
Responsible Officer	Registrar
Version	1.2 Formatting updated. Principal approved 12 <sup>th</sup> November 2020
Next Scheduled Review	Nov 2023
Related Legislation and Regulations	The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018. Standard 9 Higher Education Standards Framework 2021, standard 7.2 Education Services for Overseas Students Regulations 2019
Associated Documents	Formalisation of Enrolment Policy and Procedure Academic Integrity Policy and Procedure Student Code of Conduct and Procedure Complaints and Appeals Policy and Procedure Student Progress, Completions and Attendance Policy and Procedure Student Support Services Policy and Procedure Deferral Suspension Cancellation Withdrawal Form Student Grievance Handling Procedure

## 1 SCOPE

To provide a documented process for assessing, approving and recording a deferment of the commencement of study or the suspension of study for the overseas student, including keeping documentary evidence on the student's file of the assessment of the application.

This policy and procedure have been developed to satisfy the requirements of The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018, known as 'the National Code 2018' Standard 9 and the Higher Education Standards Framework (Threshold Standards) 2015, standard 7.2.

## 2 PURPOSE

This policy applies to domestic and international students but is based on the requirements that must be met with respect to international student. ACCS may only enable students to defer or temporarily suspend their studies, including granting a leave of absence, during the course through formal agreement in certain limited circumstances, as defined below.

## 3 DEFINITIONS

**Deferral:** means to delay the commencement of a course. Deferral may be initiated by a student or ACCS.

**Suspension:** means to temporarily delay the enrolment once the course has commenced. Suspension may be initiated by ACCS or a student.

**Cancellation:** means the cessation of an enrolment that may occur upon student's request (withdrawal) or may be initiated by ACCS (termination). A student whose enrolment has been cancelled is no longer enrolled at ACCS and therefore, does not continue in their courses of study. Where a student who had their enrolment cancelled will receive a statement of attainment (VET) or a transcript (HE) of all units studied including results.

**Withdrawal:** means a student that wishes to withdraw from a commenced course.

**Compassionate or Compelling circumstances:** is defined as circumstances 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:

- a) Serious illness or injury, where a medical certificate states that the student was unable to attend classes,
- b) Bereavement of close family members such as parents or grandparents (Where possible a death certificate should be provided),
- c) Major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the student's studies,
- d) 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 these experiences have impacted on the student (cases should be supported by police or psychologist's reports)
- e) Inability to begin studying on the course commencement date due to delay in receiving a Student Visa.

**Student Misconduct:** also, misbehaviour is defined as students who display unacceptable behaviour as outlined in the Student Handbook.

**DoHA:** Department of Home Affairs.

## 4 POLICY/PROCEDURE STATEMENT

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### 4.1 STUDENT INITIATED DEFERRAL, SUSPENSION OR CANCELLATION<sup>1</sup>

- a) Students are able to apply for deferral, suspension or cancellation of their studies on the basis of compassionate or compelling circumstances. ACCS will assess each case on its individual merits to decide if deferral or suspension or cancellation of study can be granted.
- b) Students may apply for a cancellation of enrolments, if they are unable to continue their enrolled courses.
- c) When there is any deferral, suspension or cancellation action taken under this policy in regard to an international student ACCS:
  - informs the international student of the need to seek advice from Immigration on the potential impact on his or her student visa,
  - reports the change to the overseas student's enrolment under section 19 of the ESOS Act.
- d) Students who are dissatisfied with the outcomes of their application for deferral, suspension or cancellation of their enrolments may appeal the decisions using ACCS' complaints and appeals processes. The deferral, suspension or cancellation of an overseas student's enrolment cannot take effect until the internal appeals process is completed, unless the overseas student's health, or the wellbeing of others, is likely to be at risk.

### 4.2 ACCS INITIATED DEFERRAL, SUSPENSION OR CANCELLATION

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<sup>1</sup> <https://ozford.edu.au/wp-content/uploads/HEDeferring-Suspending-or-Cancelling-a-Students-Enrolment-Policy.pdf> P.2 Retrieved 19/07/2020

- a) ACCS may approve the deferral or suspension or cancellation of the enrolment of a student if it believes there are compassionate or compelling circumstances;
- b) ACCS may suspend or cancel a students' enrolment in the following circumstances, including but not limited to:
  - misbehaviour by the student;
  - a breach of course progress; or
  - the student's failure to pay an amount he or she was required to pay ACCS to undertake or continue the course as stated in the Acceptance Agreement;
- c) Matters relating to misbehaviour by the student are addressed in the Academic Integrity Policy and the Student Code of Conduct;
- d) Matters relating to a breach of course progress are addressed in the Academic Progress Policy;
- e) If ACCS initiates a suspension or cancellation of the student's enrolment, before imposing a suspension or cancellation, ACCS will:
  - inform the student of that intention and the reasons for doing so, in writing, and
  - advise the student of their right to appeal through ACCS' internal complaints and appeals process;
- f) Students who are dissatisfied with the decision of ACCS to initiate suspension or cancellation of their enrolments may appeal the decisions using ACCS' complaints and appeals processes. The suspension or cancellation of the student's enrolment cannot take effect until the internal appeals process is completed, unless the student's health, or the wellbeing of others, is likely to be at risk;
- g) When there is any deferral, suspension or cancellation action taken, and if the student is on a student visa and
- h) ACCS will inform the student of the need to seek advice from Immigration, on the potential impact on their student visa and to report the change of the enrolment via PRISMS under section 19 of the ESOS Act.

ACCS will maintain a record of any decision in the process for assessing, approving and recording a deferral, suspension or cancellation of study.

### 4.3 PROCEDURE

#### STUDENT INITIATED DEFERRAL, SUSPENSION OR CANCELLATION<sup>2</sup>

##### 4.3.1 STUDENT INITIATED DEFERRAL

- 4.3.1a A student wishing to defer an enrolment must submit a completed application at least 10 working days prior to the commencement of the course. Any application for deferral received after this date will not be eligible for assessment.
- 4.3.1b Students must complete an 'Application of Deferral of Study Form' with supporting documentary evidence and submit to the Dean of Students/Registrar. ACCS will only consider an application complete and eligible for assessment when all sections have been completed and the form signed ('completed application'). Applications with no supporting documentary evidence will not be processed.
- 4.3.1c ACCS will assess and respond to all eligible and completed applications within ten working days from receiving the application.
- 4.3.1d Enrolment may only be deferred in compassionate and compelling circumstances, including the inability to begin the course on the commencement date due to a delay in receiving a student visa.
- 4.3.1e ACCS may approve the application if student provides sufficient and acceptable documentary evidence to support the compassionate or compelling circumstances.

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<sup>2</sup> <https://ozford.edu.au/wp-content/uploads/Deferring-Suspending-Cancelling-Enrolment-Procedure-EMT-Dec19.pdf> P.2-4 Retrieved 24/0720

- 4.3.1f Where a deferral application is approved, the student will be advised and they will be informed that they should contact the Department of Home Affairs, where relevant, for advice on how any deferral will affect the student's visa. The Department of Education / Department of Home Affairs shall be notified via PRISMS, of the decision to defer the enrolment. Where necessary, a new CoE will be issued if the original scheduled course end date is affected.
- 4.3.1g ACCS will not approve the application if there is insufficient and/or unacceptable documentary evidence submitted to support the compassionate or compelling circumstances.
- 4.3.1h Where a deferral application is not granted, the student will be advised, and they will be required to commence their enrolment according to the re-scheduled commencement date.
- 4.3.1i All applications and outcome for deferral documentation will be kept in the students file.

#### 4.3.2 STUDENT INITIATED SUSPENSION

- 4.3.2a Once a student has started his or her course, the student is only able to temporarily suspend his or her enrolment on the grounds of compassionate or compelling circumstances.
- 4.3.2b Students must complete an 'Deferral Suspension Withdrawal Cancellation Form' with supporting documentary evidence and submit to the Student Services Department. ACCS will only consider an application complete and eligible for assessment when all sections have been completed and the form signed ('completed application'). Applications with no supporting documentary evidence will not be processed.
- 4.3.2c The Dean of Students/Registrar will use his/her professional judgment to assess each case on its individual merit. When determining whether compassionate or compelling circumstances exist, the Institute will consider documentary evidence provided to support the claim.
- 4.3.2d If a female student applies for a suspension of studies on the basis of pregnancy, ACCS will follow normal processes for assessing a suspension of studies. However, as a general rule, the suspension will commence no earlier than six weeks prior to the expected birth (unless otherwise supported by medical evidence) with the return date of the student being calculated as being at the beginning of the next teaching period that is at least eight weeks after the birth.
- 4.3.2e If the requested suspension is longer than 12 months, then the student will be required to withdraw from the course and reapply when they are ready to return to study.
- 4.3.2f Where a suspension of enrolment is granted, ACCS will suspend an enrolment for an agreed period of time - to a maximum of 12 months. For students on student visas, the Dean of Student/Registrar will inform students to seek advice on the potential impacts on their student visas. The Dean of Student/Registrar will report the change of the students' enrolment on PRISMS.
- 4.3.2g Where a suspension of enrolment is not granted, the Institute will inform students accordingly and they will be required to maintain their enrolment according to the scheduled enrolment period.
- 4.3.2h All application documentation for the suspension will be kept in the students' file and if relevant, the Department of Education/ Department of Home Affairs shall be notified via PRISMS of the decision to suspend the enrolment as a result of the student's request.

#### 4.3.3 STUDENT INITIATED CANCELLATION

- 4.3.3a Students who wish to cancel their enrolments must complete the Application for Course Withdrawal Form and submit to the Student Services Department. If relevant, the students will be advised that they should contact the Department of Home Affairs for advice on how this will affect their visas.
- 4.3.3b An international student who wishes to cancel his or her enrolment prior to completing the first six months of his or her principal course must provide a letter of offer from an alternative provider. This is required under Standard 7 of the National Code and further information can be obtained from the *Transfer between Registered Providers Policy and Procedures*.

- 4.3.3c International students' Confirmation of Enrolment (CoE) will be cancelled under "non-commencement of studies" if the students fail to commence the course on the agreed start date by presenting themselves to the Institute to commence their course. ACCS will attempt to contact the student to remind them of their obligation to start within 10 working days of the commencement date but if the student is not contactable it will be regarded a student-initiated cancellation. Under Section 19(1) of the ESOS Act, the Institute must notify the Department of Education /Department of Home Affairs via PRISMS of the non-commencement of a course on the scheduled commencement date, within 31 days of the event occurring. This process does not require the Institute to give the student access to the appeals process.
- 4.3.3d International students' Confirmation of Enrolment (CoE) will be cancelled under "termination of studies prior to completing the course" if the students fail to return for the commencement of a new trimester after holiday and the students have not successfully applied for a deferment of their studies. ACCS will attempt to contact the student but if the student is not contactable within 10 working days it will be regarded a student-initiated cancellation. Under Section 19(1) of the ESOS Act, the Institute will notify the Department of Education /Department of Home Affairs via PRISMS of the termination of an accepted student's studies, within 31 days of the event occurring.  
This process does not require ACCS to give the student access to the appeals process.
- 4.3.3e All application documentation for the cancellation will be kept in the students file and if relevant, the Department of Education/ the Department of Home Affairs shall be notified via PRISMS of the decision to cancel the enrolment as a result of the student's request.
- 4.4.4f All application documentation for the cancellation will be kept in the students file and if relevant, the Department of Education/ the Department of Home Affairs shall be notified via PRISMS of the decision to cancel the enrolment.

#### 4.3.4 PROVIDER INITIATED DEFERRAL, SUSPENSION OR CANCELLATION

- 4.3.4a ACCS may initiate a suspension or cancellation of students' enrolment in the following circumstances, including, but not limited to:
- Misbehaviour by the student;
  - A breach of course progress;
  - The student's failure to pay an amount he or she was required to pay ACCS to undertake or continue the course as stated in the Acceptance Agreement.
- 4.3.4b Matters relating to academic misconduct by the student are addressed in the Student Code of Conduct.
- 4.3.4c In some cases where the student's misconduct is severe, ACCS' Executive Management Team has the right to cancel the student's enrolment. Severe misconducts include but not limited to:
- acting dishonestly in relation to admission to ACCS;
  - knowingly making any false or misleading representation about things that concern the student as a student of the Institute or breaching any of ACCS' rules;
  - altering any documents or records;
  - harassing or intimidating another student, a member of staff, a visitor to ACCS, or any other person while the student is engaged in study or other activity as an ACCS student, because of race, ethnic or national origin, gender, marital status, sexual preference, disability, age, political conviction, religious belief or for any other reason;
  - breaching any confidence of ACCS;
  - misusing any facility in a manner which is illegal, or which is or will be detrimental to the rights or property of others. This includes the misuse, in any way, of any computing or

communications equipment or capacity to which the student has access at or away from ACCS premises while acting as an ACCS student, in a manner which is illegal, or which is or will be detrimental to the rights or property of others;

- stealing, destroying or damaging a facility or property of ACCS or for which ACCS is responsible.
- If ACCS initiates a suspension or cancellation of the student's enrolment, before imposing a suspension or cancellation, ACCS will inform the students of that intention and the reasons for doing so, in writing. The students will be advised of their right for internal appeal through ACCS Grievances and Appeals process. No changes on the students' enrolments will be made during the appeal process unless the health and wellbeing of the student and/or others are likely to be at risk.
- Where the outcome of an internal appeal finds that a suspension of enrolment can be imposed, The Dean of Student/Registrar will report the change of the student's enrolment on PRISMS. Student's contact details, their residential address in Australia and their residential address overseas will be provided. The student will be informed in writing and will advise the student to contact the Department of Home Affairs to seek advice on the potential impact on his or her student visa.
- All applications and outcomes for ACCS' initiated deferral, suspension or cancellation documentation will be kept in the students file.

#### 4.3.5 APPEALS

- 4.3.5a If an applicant is not satisfied with the outcome of the application, he/she may appeal in accordance with the provisions of ACCS' Grievances and Appeals Policy and Procedure.
- 4.3.5b Recording and reporting deferments, suspension or cancellation of enrolments
- 4.3.5c All applications, evidence, action and outcomes documentation of deferral, suspension or cancellation of enrolment will be kept in the student's file.
- 4.3.5d Any approved decisions of deferral, suspension or cancellation of an enrolment will be reported to the Department of Education / the Department of Home Affairs via PRISMS, if relevant.
- 4.3.5e In the event that the student's course is terminated before the course is completed, whether the studies were terminated by the student or the Institute, the student's contact details, the day the student's course is terminated as well as the last day of the student's studies will need to be provided on PRISMS.
- 4.3.5f Students will be kept informed of any decisions or outcomes that relate to a deferment, suspension, or cancellation of enrolments.

#### 4.4 GUIDELINES AND IMPLICATIONS OF SUSPENSION OR CANCELLATION

Should a student enrolment be temporarily suspended for a period of 28 days or longer, the student must return home, unless special circumstances exist.

Students are to be made aware that:

- a) Students can only temporarily suspend enrolment for a maximum period of six months,
- b) Deferral, Suspension or Cancellation of enrolment may affect the student's VISA,
- c) If the enrolment is suspended for a period greater than six months, the student's visa may be cancelled by Australian Department of Home Affairs (DoHA).

## 5 ACKNOWLEDGEMENTS

This policy acknowledges the following resources:

<https://ozford.edu.au/wp-content/uploads/HEDeferring-Suspending-or-Cancelling-a-Students-Enrolment-Policy.pdf> P.2