

Deferral, Suspension or Cancellation Policy and Procedures - International Students

Policy

1. This Policy supports Standard 9 of the ESOS National Code 2018.
2. The College deals with student deferral, suspension or cancellation requests fairly and in a timely manner. The following are the relevant definitions:
 - Deferral: means to delay the commencement of a course.
 - Suspension: means to temporarily delay the enrolment once the course has commenced.
 - Cancellation: means the cessation of an enrolment from a course.
3. The College has and implements this policy and procedures for assessing, approving and recording a deferment of the commencement of study or suspension of study requested by an overseas student, including maintaining a record of any decisions.
4. The College may defer or suspend the enrolment of a student if it believes there are compassionate or compelling circumstances.
5. The College may suspend or cancel a student's enrolment including, but not limited to, on the basis of:
 - a. misbehaviour by the student
 - b. the student's failure to pay an amount he or she was required to pay the College to undertake or continue the course as stated in the written agreement
 - c. a breach of course progress or attendance requirements by the overseas student, which must occur in accordance with Standard 8 (Overseas student visa requirements) of the National Code 2018.
6. If the College initiates a suspension or cancellation of the overseas student's enrolment, before imposing a suspension or cancellation the College must:
 - a. inform the overseas student of that intention and the reasons for doing so, in writing
 - b. advise the overseas student of their right to appeal through the College's internal complaints and appeals process, in accordance with Standard 10 (Complaints and appeals) of the National Code 2018, within 20 working days.
7. When there is any deferral, suspension or cancellation action taken under Standard 9 of the National Code 2018, the College must:
 - a. inform the overseas student of the need to seek advice from Immigration on the potential impact on his or her student visa
 - b. report the change to the overseas student's enrolment under section 19 of the ESOS Act.
8. The suspension or cancellation of the overseas student's enrolment under Standard 9.3 of the National Code 2018 cannot take effect until the internal appeals process is completed, unless the overseas student's health or wellbeing, or the wellbeing of others, is likely to be at risk.
9. The College assesses and records all deferrals, suspensions or cancellations of study, ensures that students are informed of their rights and provided with due care and where relevant opportunities for appeal. Students will be informed prior to enrolment of the grounds on which their enrolment may be deferred, suspended or cancelled. Students may apply for deferral or suspension of their studies if they have good reason for doing so (compassionate or compelling circumstances). The College may choose to approve or decline any student's request for deferral or suspension of studies, in accordance with this policy.

10. Compassionate or compelling circumstances are generally those beyond the control of the student 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 to 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 of 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 College 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.
11. The College may suspend or cancel a student enrolment for misbehaviour / for breaching the Student Code of Behaviour (refer to the College's Student handbook). This may include (but is not limited to):
 - Disrespecting or discriminating other students or staff
 - Intimidating other students or staff
 - Refusing to study in a safe, clean, orderly and cooperative environment
 - Damaging or misusing other students' or the college's property (including computer files and student work)
 - Refusing to have any disputes settled in a fair and rational manner
 - Engaging in cheating or plagiarism
 - Committing criminal actions.
 - Failure to maintain course satisfactory progress
 - Failure to pay fees when due
 - Other actions deemed inappropriate by the Director of Studies/ Chief Executive Officer.
12. The College may decide to accept an application from a student for deferral of commencement or suspension of study on the following grounds:
 - On medical grounds (a medical practitioner's certificate indicating the student is unable to attend class is required); or
 - In exceptional compassionate circumstances beyond the student's control, such as serious illness or death of a close family member (independent evidence of the exceptional circumstances is required).
 - In the event of the unavailability, in a particular study period, of key or prerequisite units resulting in a significantly reduced study load. This ground is only available if the deferral allows the student to return to the college with a fuller load in a subsequent study period.
13. The College will consider documentary evidence provided by students to support their claim of compassionate or compelling circumstances when determining if the claim exists. Copies of these documents will be placed in the student's file.
14. Applications for student deferral, suspension or cancellation must be submitted at least 10 working days before the requested Deferral/Suspension/Cancellation date.
15. Deferral, suspension or cancellation of enrolment applications will be accepted only if they are made in writing, on either the Deferral or Suspension Application Form or the Cancellation or Release Letter Application Form, signed by the student and sent to the College through its website. These forms are available on the website. Cancellation of

enrolment may trigger a refund in accordance with the the Written Agreement between the College and the student. Students who cancel their enrolment and believe they are due for a refund must also apply for a refund. Refund applications must be made in writing to the College. The student Refund Application form, available from the College, may be used as the written application. Written applications for refunds will also be accepted by mail or by email. Refunds that are payable will be made within 28 days of receipt of a written application and will include a statement explaining how the refund was calculated.

16. The College Fees and Refund Policy and Procedures are available on the website on the following link <https://www.einsteincollege.vic.edu.au/pdfs/Fees-and-Refund-Policy-and-Procedures.pdf>
17. A refund application form can be requested through Student Services or via the following link <https://www.einsteincollege.vic.edu.au/useful-form>
18. The student's application to defer, suspend or cancel their enrolment will be processed in 10 working days
19. The CEO is responsible for the implementation of the policy and procedures and to ensure that staff and students are aware of its application and implement its requirements.

Procedures

Deferral Procedures

New Students

1. A new student who wants to defer their course will need to inform the College in writing by emailing the respective marketing staff and submitting a completed and signed Deferral or Suspension Application Form that can be downloaded from the College's website on <https://www.einsteincollege.vic.edu.au/useful-form>. The student's agent may email the College on behalf of the student.
2. The respective marketing staff will inform the Enrolment Officer. The Enrolment Officer will assess a deferral application and will make a decision on the application.
3. If the application is approved, the Enrolment Officer will change the student's Confirmation of Study (CoE) and inform the student about the application outcome by emailing the student/ their agent. The new Confirmation of Enrolment (COE) will also be emailed to the student/ their agent.
4. The Enrolment Officer will ensure that the student is advised to contact the Department of Home Affairs so that they are informed as to the impact of their deferral on their existing student visa.
5. If the application is refused, the student/ the student's agent will be informed including the reason of refusal in writing by email.
6. The application will be processed within 10 working days from the date the application is received by the College. The student will be informed about the result of their application by email.
7. If the student is not satisfied with the application outcome, the student can access the College's Complaints and Appeals Policy and Procedures available on the College's website.
8. All records of the request and supporting evidence are copied and placed in the student's folder by the Student Administration.

Continuing Students

1. A continuing student who wants to defer their future course(s) will need to complete the Deferral or Suspension Application Form that can be downloaded from the College's website <https://www.einsteincollege.vic.edu.au/useful-form> and submit it through the College's website. The application will need to be supported by documentary evidence.
2. The Director of Studies or delegate will assess and decide to approve/ refuse the application based on the grounds of the written request. In making this decision the Director of Studies or delegate may consult with other staff in the College. The Director of Studies or delegate also ensures that compassionate and compelling circumstances (which are beyond control of the student) are assessed where evidence of their validity is provided.
3. An incomplete application (for example, an application is not correctly completed, or no relevant supporting evidence is attached) will not be processed/ might be refused. The student can apply again any time.
4. If the application is approved, the Director of Studies or delegate will report the student's change of enrolment to the ESOS Agency and Department of Home Affairs via PRISMS as soon as practicable after a decision on deferral has been finalised and recorded.
5. The Director of Studies or delegate will send a notification email regarding the outcome of the deferral application together with the new COE to the student. It will be ensured that the student is advised to contact immigration in the Department of Home Affairs so that they are informed as to the impact of their deferral on their existing student visa.
6. If the application is refused, the student will be informed including the reason of refusal in writing by email by the Director of Studies or delegate.
7. If the application is refused, the College will maintain the enrolment of the student if the student decides to appeal the decision (see the College's Complaints and Appeals Policy and Procedures on the College's website).
8. The student's application will be processed within 10 working days from the date the application and its supporting evidence/ documents are received by the College. The student will be informed about the result of their application by email by the Director of Studies or delegate.
9. If the student is not satisfied with the application outcome, the student can access the College's Complaints and Appeals Policy and Procedures. The detailed procedures can be accessed on the College's website on <https://www.einsteincollege.vic.edu.au/pdfs/Complaints-and-Appeals.pdf>.
10. All records of the request and supporting evidence are copied and placed in the student's file by the Student Administration. The Student Management System (Wisenet) will also be updated.

Deferral Initiated by the College

1. If the College defers the commencement of a course, the Director of Studies or delegate will notify the student by email.
2. The student may accept the new agreed start date. In this case, we may carry forward the initial pre-paid tuition fee to the new intake.
3. If the student decides not to accept the new start date, then it will be considered as the provider default. The College will be obliged to repay all tuition fee within 2 weeks of the date of deferral unless alternative arrangements can be made which are acceptable to students.
4. The College through the Director of Studies or delegate will report its deferral of commencement to the ESOS Agency and Department of Home Affairs through PRISMS which may affect the status of the student's visa.

Suspension Procedures

1. A student who wants to suspend their course will need to complete and sign the Deferral or Suspension Application Form that can be downloaded from the College's website on <https://www.einsteincollege.vic.edu.au/useful-form> and submit it through the College's website. The application will need to be supported by documentary evidence.
2. The Director of Studies or delegate will assess and decide to approve/ refuse the application based on the grounds of the written request. In making this decision the Director of Studies or delegate may consult with other staff in the College. The Director of Studies or delegate also ensures that compassionate and compelling circumstances (which are beyond control of the student) are assessed where evidence of their validity is provided.
3. An incomplete application (for example, an application is not correctly completed, or no relevant supporting evidence is attached) will not be processed/ might be refused. The student can apply again any time.
4. Student initiated suspension of enrolment cannot be granted retrospectively (after the event) or if it was taken by the student without authorisation. If a student has taken unauthorised leave then they will be recorded as absent and reported to the ESOS Agency and Department of Home Affairs via PRISMS if their participation falls below the College requirements for course progress.
5. If the application is approved, the Director of Studies or delegate will report the student's suspension on PRISMS as soon as practicable after a decision on suspension has been finalised and recorded. If a new COE needs to be created, the Director of Studies or delegate will report to the ESOS Agency and Department of Home Affairs via PRISMS by changing the current COE and issuing a new COE .
6. The Director of Studies or delegate will send a notification email regarding the outcome of the suspension application together with the new COE to the student if applicable. It will be ensured that the student is advised to contact immigration in the Department of Home Affairs so that they are informed as to the impact of their suspension on their existing student visa.
7. If the application is refused, the Director of Studies or delegate will notify the student by email.
8. If the application is refused, the College will maintain the enrolment of the student if the student decides to appeal the decision (see the College's Complaints and Appeals Policy and Procedures on the College's website)
9. The student's application will be processed within 10 working days from the date the application and its supporting evidence/ documents are received by the College. The student will be informed about the result of their application by email by the Director of Studies or delegate.
10. If the student is not satisfied with the application outcome, the student can access the College's Complaints and Appeals Policy and Procedures. The detailed procedures can be accessed on the College's website on the following link: <https://www.einsteincollege.vic.edu.au/pdfs/Complaints-and-Appeals.pdf>.
11. All records of the request and supporting evidence are copied and placed in the student's folder by the Student Administration. The Student Management System (Wisenet) will also be updated.

Cancellation Procedures

1. A student who wants to cancel an enrolment must complete and sign the Cancellation or Release Letter Application Form that can be downloaded from the College's website <https://www.einsteincollege.vic.edu.au/useful-form> and submit it to the College. The application will need to be supported by documentary evidence such as a letter of offer from another provider or other documentary evidence.
2. The Director of Studies or delegate will assess and decide to approve/ refuse the application based on the grounds of the written request. In making this decision the Director of Studies or delegate may consult with other staff in the College.
3. The Director of Studies or delegate assesses all cancellation applications based on specific factors that need to be considered. The factors are that the student requesting a transfer has an accurate understanding of what the transfer represents to their study options or that it is suspected that they are seeking transfer only due to failure to meet academic progress or attendance. The Director of Studies or delegate will make any final decision as to whether to refuse a Release Letter or cancellation from a course of study for any student. A Release Letter is provided at no cost to the student.
4. The Director of Studies or delegate will notify the CEO in writing of any cancellation.
5. The CEO/delegate (Enrolment Officer) will complete the TPS reporting requirements. The Director of Studies or delegate reports the student to the ESOS Agency and the Department of Home Affairs via PRISMS within 31 days.
5. The student will be advised in writing of the outcome by the Director of Studies or delegate within 10 working days.
6. If the cancellation application is approved for an overseas student who has not completed at least 6 month of their principal course, the student will be issued a Release Letter approving the cancellation by the Director of Studies or delegate. The letter must direct the student to contact immigration / the Department of Home Affairs on whether a new student visa is required. The decision to grant a release including the date of effect and reason will be recorded in PRISMS.
7. If the cancellation application is rejected, the reasons for the decision will be included in the rejection notice. The Director of Studies or delegate will notify the student regarding the application outcome.
8. If a student requests the cancellation of their enrolment a refund arrangement as per the Written Agreement between the College and the student may be triggered. Students who cancel their enrolment and believe they are eligible for a refund must also apply for a refund according to the provisions in the Written Agreement.
9. Fees shall be refunded in accordance with the College's Fees and Refund Policy and Procedures that are available on the College's website.
10. After a decision has been made, the outcome is written and recorded and placed in the student's individual file, together with the application form. The Student Management System (Wisenet) will also be updated by the Student Administration.

College Initiated Suspension/ Cancellation Procedures

Unsatisfactory Course Progress

1. During course progress review, a student with unsatisfactory course progress will be sent up to 2 warning letters. If the student does not respond to the intervention strategies activated to assist them, the student will be sent an Intention to Report letter.
2. The Director of Studies or delegate will ensure that the student is aware that they may access the College's internal appeals procedures and external appeals procedures (see

the College's Complaints and Appeals Policy and Procedures on the College's website on the following link: <https://www.einsteincollege.vic.edu.au/pdfs/Complaints-and-Appeals.pdf>).

3. If the student does not appeal within 20 working days, the student will be reported to the ESOS Agency and Department of Home Affairs through PRISMS by the Director of Studies or delegate. The Director of Studies or delegate will inform the CEO in writing about the reporting. The CEO/delegate (Enrolment Officer) will complete the TPS reporting requirements. This reporting may affect the status of the student's visa.
4. The student will be informed in writing by email once the student's COE is cancelled within 10 working days by the Director of Studies or delegate.
5. All student warning letters, intention to report letter and Intervention Strategy related documents are copied and placed in the student's file by the Student Administration.

Student Misbehaviour

1. Where a student's behaviour has been found to violate the College's Student Code of Behaviour, a warning letter will be issued and sent to the student by the Director of Studies or delegate. A copy of the warning letter will be kept on the student's file.
2. The Director of Studies or delegate will ensure that the student is aware that they may access the College's internal appeals procedures and external appeals procedures (see the College's Complaints and Appeals Policy and Procedures).
3. The Director of Studies or delegate will inform the student in writing should a decision to suspend or cancel their enrolment be made, that they have 20 working days to appeal following the decision. (The Director of Studies or delegate has 10 working days to commence the process after the appeal is received)
4. If the student lodges a complaint or appeal, the suspension / cancellation cannot take effect until the internal appeal procedures have been completed, unless extenuating circumstances relating to the welfare of the student apply (See some samples below)
5. Ensure that the student is advised to contact the immigration office in the Department of Home Affairs so that they are informed as to the impact of their suspension or cancellation on their existing student visa.
6. The Director of Studies will then raise any issues detailing the misbehaviour offence in the next Trainers' Meeting and the manner in which their conduct has been dealt with thus far (the report should detail dates times and persons involved).

Suspension and Cancellation Responses to Student Misbehaviour

On receiving a report of misbehaviour the Director of Studies or delegate will:

1. Validate the actions of all staff involved seeking further advice, verbal or written.
2. Where necessary, seek further advice from the student or students involved maintaining an unbiased approach to the student or students involved.
3. Decide whether an enrolment suspension or enrolment cancellation is warranted.
4. Ensure that in upholding the decision to suspend or cancel the student's enrolment, the student is informed in writing, stating the reason for the Director of Studies' or delegate's decision and reaffirming the student right to appeal in line with document process within 20 working days.
5. Maintain the student's enrolment if the student chooses to access the College's internal appeals procedures except in the case of extenuating circumstances (See some samples below)

6. Only report the student's change in enrolment to the ESOS Agency and Department of Home Affairs via PRISMS if the student does not access the appeals procedures and report the student's change in enrolment to the ESOS Agency and Department of Home Affairs via PRISMS before the outcome of any internal/external appeals process if extenuating circumstances exist.

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

1. refuses to maintain approved care arrangements (The College does not have students under 18 years of age);
2. is missing;
3. has medical concerns, severe depression or psychological issues which lead the provider to fear for the student's wellbeing;
4. has engaged or threatens to engage in behaviour that is reasonably believed to endanger other students, staff or others; or
5. is at risk of committing a criminal offence.