

Deferral, Suspension, Cancellation Policy and Procedure

Purpose

This policy applies to international students only and has been developed in accordance with Standard 13 of the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018.

SIIT enables students to defer or temporarily suspend or cancel their studies, including granting a leave of absence, during the course through formal agreement in certain limited circumstances. This policy also details the circumstances where a student's enrolment may be deferred, suspended or cancelled by SIIT.

This policy guides staff through the procedures to administer when dealing with deferral, suspension, cancellation of student enrolment.

This policy must be provided to prospective students prior to enrolment.

Definitions

'*Cancel enrolment*' means to cancel the student's enrolment

'*CoE*' means Confirmation of Enrolment which is a document, provided electronically, issued by the registered provider to intending overseas students and which must accompany their application for a student visa. It confirms the overseas student's eligibility to enrol in the particular course of the registered provider.

'*Compassionate or compelling circumstances*' are reasons why a student's enrolment status may be changed. These are generally those situations beyond the control of the student. The following are examples of compassionate or compelling circumstances:

- Unavailability of units in the enrolled course
- Inability to commence study on commencement date due to student visa delay
- Serious illness or injury, (a medical certificate must be provided stating that the student is unable to attend class)
- Bereavement of close family members such as parents, grandparents, brother, sister, (a death certificate must be provided)
- A traumatic experience such as witnessing a serious accident or witnessing or being the victim of a serious crime (police report must be provided)
- A major political upheaval in the student's home country which requires emergency travel that will affect student's studies

- A natural disaster in the student's home country which requires emergency travel that will affect student's studies

'Defer studies' means to defer commencement of studies

'DE' means the Department of Education

'DIBP' means the Department of Immigration and Border Protection

'DIISRTE' means the Department of Industry, Innovation, Science, Research and Tertiary Education

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

- Threats of violence against staff or students or others
- Sexual assault against staff or students or others
- Being under the influence of drugs or alcohol to the point which creates an unsafe environment for staff or students or others and oneself
- Refuses to maintain approved care arrangements (only for students under 18 years of age)
- Is missing
- Is deceased
- Has medical concerns, severe depression or psychological issues which lead the provider to fear for the student's wellbeing
- Has engaged or threatens to engage in behaviour that is reasonably believed to endanger the student or others; or
- Is at risk of committing a criminal offence
- Other actions deemed unsuitable by the CEO/Academic Manager

'Misbehaviour' means circumstances relating to the actions of the student which may include, but are not limited to the following; these are grounds for suspension or cancellation of enrolment:

- Violence against staff or students or others
- Psychological issues with the student which lead us to fear for safety of the students and staff
- Sexual harassment against staff or students or others
- Racial discrimination, vilification or bullying
- Intimidating staff or students or others
- Defaming our college or staff or students or others
- Criminal actions or is a risk of committing a criminal offence
- Bringing our college into disrepute
- Cheating
- Plagiarism
- Refusing to work in a safe, clean, orderly manner
- Being under the influence of drugs or alcohol to the point which creates an unsafe environment for staff or students or others and oneself

- Smoking on college property
- Failure to pay fees when due
- The student did not re-enrol (student has inactively advised they will not be continuing studies)
- Failure to maintain appropriate class attendance levels
- Failure to maintain appropriate course progress levels
- Other actions deemed unsuitable by the CEO/Academic Manager.

'PRISMS' means the Provider Registration and International Student Management System, which SIIT uses to notify DE and DIBP of changes (when a student's enrolment is deferred, suspended or cancelled) to a student's enrolment.

'Suspend studies' means to suspend studies, this may be requested by a student for compassionate or compelling circumstances. We, the provider may also choose to temporarily suspend a student's enrolment if we deem the student's behaviour to be unacceptable for an educational setting.

'TPS' – Tuition Protection Scheme

General Information

This policy details the procedure for handling requests from students and/or intention of SIIT to defer, suspend or cancel student's studies. There are three main categories including, student request for deferral and / or suspension of studies, student request for cancellation of enrolment and SIIT's intention to defer, suspend or cancel enrolment.

Attendance monitoring

Regardless of whether the suspension of enrolment is the result of a student request for suspension or provider-imposed suspension of enrolment due to misbehaviour, the period of suspension of enrolment (as entered in PRISMS) should not be included in attendance monitoring calculations.

Student Visa

Deferment, suspension or cancellation of enrolment may affect the student's visa. As such, SIIT will refer the student to the DIBP's website or helpline (131 881) for information, and the local DIBP's office for advice, on how the potential change to enrolment status may impact upon their visa.

Response

The CEO is responsible for this process in consultation with the Academic Manager.

Letter of offer not accepted

If the student has not accepted the offer of enrolment, Standard 13 does not apply.

PROCEDURE

Prior to Enrolment

Prospective students (prior to enrolment) will be informed of the grounds on which their enrolment may be deferred, suspended or cancelled and also their rights and grounds for appeal regarding this policy.

A copy of this policy will be provided to all prospective students.

Defer, suspend, cancellation application process

Students must complete the: “Defer, suspend, cancellation application form” (available from reception or course coordinator). In this form they will detail reasons for application and provide supporting evidence to substantiate their claim. Once the application is completed it must be submitted to the CEO or the Academic Manager, a formal response will be provided within 5 business days by the CEO/Academic Manager. Applications must be submitted at least 10 business days before the deferral, suspension or cancellation date for the application to be processed. Applications received after this date will not be approved.

Student request for deferral and / or suspension of studies

Where a student has applied to SIIT for deferment or suspension of their studies due to compassionate or compelling circumstances, we will in accordance with our policy assess the circumstances and grant or decline the student’s request.

SIIT will only defer or temporarily suspend the enrolment of the student on the grounds of:

- compassionate of compelling circumstances (for example, illness where a medical certificate states that the student is unable to attend classes); or
- misbehaviour by the student

The following is a list of acceptable circumstances (not exhaustive) where SIIT would approve the application:

- Unavailability of units in the enrolled course

- Inability to commence study on commencement date due to student visa delay
- Serious illness or injury, (a medical certificate must be provided stating that the student is unable to attend class)
- Bereavement of close family members such as parents, grandparents, brother, sister, (a death certificate must be provided)
- A traumatic experience such as witnessing a serious accident or witnessing or being victim of a serious crime (police report must be provided)
- A major political upheaval in the student's home country which requires emergency travel that will affect the student's studies
- A natural disaster in the student's home country which requires emergency travel that will affect the student's studies.

Students may defer or suspend their studies for up to one semester for compelling or compassionate circumstances. Documented evidence is required.

The CEO or the Academic Manager will convene a meeting with the student to discuss the application. Documented evidence must be provided by the student to validate the claim. A formal response will be provided within 5 business days.

In the case that a student's enrolment is deferred, suspended or cancelled we will notify DIBP via PRISMS of the change in enrolment.

Note that misbehaviour of the student may also be grounds for cancellation of studies.

Student request for cancellation of enrolment

Students who request cancelling their enrolment in order to go to another education provider must follow the Student Transfer Policy (Standard. 7) and complete the appropriate documentation.

Students cancelling enrolment in order to return to their home country must complete the "Defer, suspend, cancellation application form" and supply supporting evidence such as airline ticket and departure date.

The student will be notified that cancellation of enrolment may affect the student's visa.

SIIT will notify the Department of Education (DE) and Department of Immigration and Border Protection (DIBP) via PRISMS of changes to a student's enrolment within 10 business days of duly received, signed and dated documents provided by the student.

Should SIIT reject the cancellation application, the student will receive a refusal letter and have the right to access our internal complaints and appeals process within 20 working days of date on refusal letter (allow extra 3 days for postage or via email on the same day).

Fees will be refunded (if applicable) in accordance with the Refund Policy.

Provider initiated suspension or cancellation of student's enrolment

Misbehaviour by the student may result in the suspension, or in the worst case scenario, the cancellation of enrolment. The college may suspend further study or cancel enrolment for both academic and non-academic misconduct.

Misbehaviour

The CEO or the Academic Manager will convene a meeting with the student to discuss the misbehaviour of the student.

If SIIT initiates the suspension or cancellation of a student's enrolment, we will formally notify the student of our intention and allow the student 20 working days to access the provider's internal complaints and appeals process, unless extenuating circumstances relating to the welfare of the student apply.

The severity of the individual case will decide whether the enrolment should be suspended or cancelled. Refer to '*definitions*' regarding grounds for cancellation of enrolment.

In cases of student misbehaviour of a criminal nature: SIIT will inform the police of any suspected or alleged criminal activity. To assist DIBP, SIIT will give as much information as possible regarding any criminal activity when it suspends or cancels the enrolment of the student. DIBP officers will then initiate any visa-related action as required.

Procedural fairness

In the case where a student has been regarded as misbehaving, until all due investigation is completed the student must be treated as innocent until they have admitted liability or are shown to be guilty via other evidence such as bona fide witnesses.

Provider's grounds for deferment of commencement studies

This may be granted on the grounds of compassionate or compelling circumstances.

Recording a Deferment, Suspension or Cancellation - CoE Outcomes

There are three different outcomes for the student's Confirmation of Enrolment (CoE):

- SIIT notifies the Department of Education (DE) and the Department of Immigration and Border Protection (DIBP) through PRISMS that it is deferring or suspending a student's enrolment for a period without affecting the end date of the CoE. In this case there is no change to the CoE or the student's enrolment status on PRISMS i.e. the student's CoE status will still be listed as 'studying'. However, the notice of deferment or suspension will be recorded in PRISMS and sent on to the Department of Immigration and Border Protection (DIBP). This information will be kept for future reference.
- SIIT notifies the Department of Education (DE) and the Department of Immigration and Border Protection (DIBP) through PRISMS that it is deferring or suspending a student's enrolment for a period which will affect the end date of the CoE. In such situations, PRISMS will cancel the original CoE, and immediately offer the provider the opportunity to create a new CoE with a more appropriate end date. If the provider 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 provider of the intended date of return before creating the new CoE.
- SIIT notifies the Department of Education (DE) and the Department of Immigration and Border Protection (DIBP) through PRISMS that it wishes to permanently cancel (terminate) the student's enrolment. Once this process is complete, the student's CoE status will be listed as 'cancelled'.

Appeals on decision (refer to the Complaints and Appeals Policy)

If SIIT initiates the suspension or cancellation of a student's enrolment, we will inform the student of our intention to notify DE or DIBP of the change of enrolment status. We will inform the student that they have 20 working days in which to access our complaints and appeals process. To 'access' the appeals process means to 'initiate' or 'start' the process – there is no expectation that the process must be completed within 20 working days. However, standard 8.1 e. requires that the process must commence within 10 days of the formal lodgement of the complaint or appeal.

If the student chooses to access SIIT's appeals process, the college maintains the student's enrolment until the internal appeals process is completed (and has supported SIIT's intention to suspend or cancel the student's enrolment). To 'maintain the student's enrolment' means that SIIT does not notify DE or DIBP of any change to the student's enrolment status through PRISMS.

Appeals will be at little or no cost to the student.

The student may choose to access an external appeals process as per SIIT policy, but SIIT does not have to wait for the outcome of an external appeal before notifying DE and DIBP of the change to the student's enrolment status.

Lodging a Formal Complaint

The form should be completed fully, detailing:

- Details of complaint
- Relevant dates
- Steps taken to resolve complaint
- Provide supporting evidence.

The completed form should be submitted to the CEO or the Academic Manager of SIIT.

Once the application form has been received by the CEO/Academic Manager, it will be date stamped and signed as received by the CEO. After formal lodgement of the complaint and appeals application, the CEO will review the issue and, within 10 working days, make a decision on the case.

The decision might be to agree with the validity of the complaint and take appropriate action to remedy the concern, or to dismiss the complaint. The decision will be provided to the student in written format including details and reasons for the decision.

If cases requiring further evidence, the student will be invited to formally present their case at a meeting with the CEO/Academic Manager. The intent is to resolve the complaint in an amicable manner as soon as possible.

The student has the right to be assisted or accompanied by a support person. Minutes will be taken of the meeting (this will include: time, date, names of people attending the meeting and their positions, as well as the content of discussions) and a decision will be made at the meeting. This will be provided also in written format including details and reasons for the decision.

Processing Timelines

Our students are our customers and must be treated as such. Complaints and appeals are regarded as a priority for analysis and action and so the CEO will investigate the formal application within timelines stated above.

There are a number of situations where the student may receive a 'Letter of Intent' to report to DE and DIBP via PRISMS. This may be related to: breaches of course progress requirements (section 19 ESOS Act) or breaches of attendance requirements (section 19 ESOS Act) or for deferral, or for suspension or cancelling a student's enrolment.

IMPORTANT

In these situations, it is important for the student to understand the implications of no action on their behalf and that if they intend on lodging a formal complaint they only have 20 working days in which to do so.

After which time, if SIIT receives no response from the student it will complete the reporting process as required by the ESOS Act.

Decision

Decisions will be documented in the complaints and appeals application form including the outcome, details and reasons for the decision. The decision document and complaints outcome letter will be sent via registered post (person to person delivery) to the student in written format. If the decision was to dismiss the complaint, a copy of the external appeals application form will be attached to the letter.

If the student is not happy with the decision they may choose to access the external appeals process at little or no cost.

If the decision requires corrective action, this will be documented and assigned a completion date with responsibility.

The CEO and the Academic Manager have the responsibility of ensuring that actions are completed by set timelines.

A decision will be made to either affirm or remit the registered providers decision.

If the decision by the external appeals adjudicator is to affirm the registered provider's decision, then SIIT will, upon receiving formal documentation of decision, take appropriate actions, for example issuing a Section 20 Notice in case of breaches of Standard 10 or 11. This will occur within 5 business days of receiving formal decision.

However, if the decision by the external appeals adjudicator is to remit SIIT's decision, then SIIT will, upon receiving formal decision then take appropriate actions, for example, document a corrective action, correct the issue and provide an outcome to the student in writing and refund the student the cost of the appeal process.

Enrolment Status

SIIT will maintain the enrolment of the student until the complaints and appeals process is completed. This means that we will not notify DE and DIBP of any changes to the student's enrolment status via PRISMS.

However, in the case of an external appeal the continuance of enrolment during this process will depend on the type of appeal.

For example:

In the case of unsatisfactory attendance or course progress and our decision to report the student, the student's enrolment will be maintained until the external complaints process is complete and the decision of provider has been upheld. At this point in time the student will be reported as per Standard 10 or 11.

In the case of unsatisfactory attendance or course progress, we allow only one (1) external appeal process before we report the student – this is to remove the issue of when a student may wish to apply to multiple external appeals processes which would stonewall the process.

In the case of an appeal against SIIT's decision to defer or suspend a student's enrolment due to misbehaviour or to cancel the student's enrolment, SIIT only needs to wait until the internal appeals process has been completed (this must be in favour of SIIT). At this point in time, SIIT will notify DE and DIBP via PRISMS of the change to the student's enrolment.

Note:

This policy does not require that we continue to offer training to students throughout the complaints or appeal process. (**see below)

For example:

The student has continually misbehaved in class and so the college manager prohibits (excludes) the student from attending class.

SIIT may still provide the student with work to be completed away from class (so that the student does not fall too far behind) until the decision on complaint or appeal has been made.

Records of Complaints & Appeals and Decisions

Records of complaints and appeals and decisions are located in the complaints and appeals register and a reference in the students file, this also includes records of Australia post registered mail and person to person delivery signed by the student.

The availability of this complaints and appeals process, does not remove the right of the student to take action under Australia's consumer protection laws.

Responsibilities & Action

The Academic Manager is the designated member of staff to review complaints, convene meetings with students and make a decision on complaint and document outcomes on the student's file, complaints and appeals application form and complaints and appeals register.

The CEO may also take delivery of the complaints and appeals application form and deliver to the Academic Manager within 24 hours.

All documentation regarding deferral, suspension or cancellation of student's enrolment will be kept on the student's file.

The Department of Education (DE) and the Department of Immigration and Border Protection (DIBP) will be updated via PRISMS regarding approved student's deferrals, suspension or cancellations.