

Deferral, Suspension or Cancellation Policy and Procedures

Purpose:

This Policy supports Standard 9 and 2.1 of the National Code 2018.

Policy

- The College deals with student deferral, suspension or cancellation requests fairly and in a timely manner.
- The College has and implemented this documented policy and procedure 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.
- The College may defer or suspend the enrolment of a student if it believes there are compassionate or compelling circumstances.
- 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 of the National Code 2018 (Overseas student visa requirements).

- If the College initiates a suspension or cancellation of the overseas student's enrolment, before imposing a suspension or cancellation the College will:
 - 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 of the National Code 2018 (Complaints and appeals), within 20 working days.
- When there is any deferral, suspension or cancellation action taken under Standard 9 of the National Code 2018, the College will:
 - 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.
- 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.

- 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 must 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.
- 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.
- The College can defer or temporarily suspend the enrolment of the student on the grounds of:
 - a. compassionate or compelling circumstances; or
 - b. misbehaviour by the student
 - c. 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
 - d. a breach of course progress or attendance requirements by the overseas student, which must occur in accordance with Standard 8 of the National Code 2018 (Overseas student visa requirements).
 - e. Any other reason, which the college finds a suitable reason for the deferment or suspension.
- 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 overseas student was unable to attend classes;
 - bereavement of close family members such as parents or grandparents (where possible a death certificate should be provided);
 - major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the overseas student's studies;
- 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 this has impacted on the overseas student (these cases should be supported by police or psychologists' reports)

- where the College was unable to offer a pre-requisite unit, or the overseas student has failed a prerequisite unit and therefore faces a shortage of relevant units for which they are eligible to enrol; or
- inability to begin studying on the course commencement date due to delay in receiving a student visa.
- The College may suspend or cancel a student enrolment for misbehaviour / for breaching the Student Code of Behaviour. 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 and attendance Requirement (if applicable)
 - Failure to pay fees when due
 - Other actions deemed in appropriate by the Chief Executive Officer.
- 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 students 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.
- 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.
- Applications for student deferral, suspension or cancellation must be submitted at least 10 working days before the requested Deferral/Suspension/Cancellation date.
- 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. These forms are available on the website. Cancellation of enrolment may trigger a refund in accordance with 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.

- The College Fees and Refund Policy and Procedures are available on the website.
- A refund application form can be requested through Student Services or via website.
- The student's application to defer, suspend or cancel their enrolment will be processed in 10 working days
- The Compliance Officer/CEO is responsible for the implementation of the policy and procedures and to ensure that staff is aware of its application and implement its requirements.

Procedures

Deferral Procedures

New Students

- A new student who wants to defer their course will need to inform the College in writing by emailing to the college on info@cornell.vic.edu.au and submitting a completed and signed APPLICATION FOR DEFERMENT SUSPENSION CANCELLATION WITHDRAWAL that can be downloaded from the College's website.
- The Student Support Officer will inform the Compliance Officer. The Compliance Officer will assess the application and will make a decision on the application.
- If the application is approved, the Compliance Officer/ or other designated staff will change the student's Confirmation of Enrolment (CoE) and inform the student about the application outcome by emailing the student. The new Confirmation of Enrolment (COE) will also be emailed to the student.
- The Compliance Officer will ensure that the student is advised to contact the Department of Home Affairs (DHA) so that they are informed as to the impact of their deferral on their existing student visa.
- If the application is refused, the student will be informed including the reason of refusal in writing by email/mail.
- 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/mail.
- 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.
- All records of the request and supporting evidence are copied and placed in the student's folder by the Student Support Team.

Continuing Student

- A continuing student who wants to defer their future course(s) will need to complete the APPLICATION FOR DEFERMENT SUSPENSION CANCELLATION WITHDRAWAL that can be downloaded from the College's website and submit it to the college. The application will need to be supported by documentary evidence.

- The Compliance officer will assess and decide to approve/ refuse the application based on the grounds of the written request. In making this decision the Compliance officer may consult with other staff in the College. The compliance officer also ensures that

-

compassionate and compelling circumstances (which are beyond control of the student) are assessed where evidence of their validity is provided.

- 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.
- If the application is approved, the Compliance officer will report the student's change of enrolment via PRISMS to the ESOS Agency and Department of Home Affairs as soon as practicable after a decision on deferral has been finalised and recorded.
- The Compliance Officer/Student Support Officer 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 the Department of Home Affairs so that they are informed as to the impact of their deferral on their existing student visa.
- If the application is refused, the student will be informed including the reason of refusal in writing by email by the Compliance officer/Student Support Officer.
- 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).
- 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 Compliance officer/student support officer.
- If the student is not satisfied with the application outcome, the student can access the College's Complaints and Appeals Policy and Procedures from the college's website.
- 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 (Icare) will also be updated.

Deferral Initiated by the College

- If the College defers the commencement of a course, the Compliance Officer/student support officer will notify the student by email/mail.
- 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.
- 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 fees within 14 days of the date of deferral unless alternative arrangements can be made which are acceptable to students.
- The College through the Compliance Officer/student support officer 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

- A student who wants to suspend their course will need to complete and sign the APPLICATION FOR DEFERMENT SUSPENSION CANCELLATION WITHDRAWAL that can be downloaded from the College's website and submit it to the Compliance Officer/student support officer. The application will need to be supported by documentary evidence showing compelling and compassionate circumstances.
- The Compliance Officer/student support officer will assess and decide to approve/ refuse the application based on the grounds of the written request. In making this decision the Compliance Officer/student support officer may consult with other staff in the College. The Compliance Officer/student support officer also ensures that compassionate and compelling circumstances (which are beyond control of the student) are assessed where evidence of their validity is provided.
- 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.
- 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's requirements for attendance, which ultimately affects the course progress.
- If the application is approved, the Compliance Officer/student support officer 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 Compliance Officer/student support officer will report to the ESOS Agency and Department of Home Affairs via PRISMS by changing the current COE and issuing a new COE .
- The Compliance Officer/student support officer 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 the Department of Home Affairs so that they are informed as to the impact of their suspension on their existing student visa.
- If the application is refused, the Compliance Officer/student support officer will notify the student by email.
- 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)
- 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 Compliance Officer/student support officer.
- 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 .

- 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 (Icare) will also be updated.

Cancellation Procedures/Release letter Request

- A student who wants to cancel an enrolment must complete and sign the APPLICATION FOR DEFERMENT SUSPENSION CANCELLATION WITHDRAWAL or Application for Release Letter that can be downloaded from the College's website and submit it to the Compliance Officer/student support officer. The application will need to be supported by documentary evidence such as a letter of offer from another provider or other documentary evidence.
- The Compliance Officer/student support officer will assess and decide to approve/ refuse the application based on the grounds of the written request. In making this decision the Compliance Officer/student support officer may consult with other staff in the College.
- The Compliance Officer/student support officer 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. The Compliance Officer/student support officer will make any final decision as to whether to refuse a request for a Release or Deferral/Suspension/Cancellation Application Form from a course of study for any student. A Release Letter is provided at no cost to the student.
- The Compliance Officer/student support officer will notify the student in writing of any cancellation.
- The Compliance / student support Officer will complete the TPS reporting requirements. The Compliance Officer/student support officer reports the student to the ESOS Agency and Department of Home Affairs via PRISMS within 10 days.
- The student will be advised in writing of the outcome by the Compliance Officer/student support officer within 10 working days.
- 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 Compliance Officer/student support officer. The letter must direct the student to contact the Department of Home Affairs on whether a new student visa is required. A release decision including the date of effect and reasons for release will be recorded in PRISMS.
- If the cancellation application is rejected, the reasons for the decision will be included in the rejection notice. The Compliance Officer/student support officer will notify the student regarding the application outcome.
- If a Release letter request is refused, reasons for the refusal will be documented in writing and the student will be informed of their rights of appeal using the college complaints and appeals procedure located at college's website. The College will finalise the student's refusal status in PRISMS after the appeal finds in favour of the College, or the overseas student has chosen not to access the complaints and appeals processes within the 20 working day

period, or the overseas student withdraws from the process. This is done by the Compliance Officer/student support officer.

- 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.
- Fees shall be refunded in accordance with the College's Fees and Refund Policy and Procedures that are available on the College's website.
- 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 will also be updated by the Student Support Team.

College Initiated Suspension/ Cancellation Procedures

Unsatisfactory Course Progress

- 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 Notification of Intention to Report letter, this process will be done according to Monitoring course progress of overseas students Policy and Procedure.
- The Compliance Officer/student support officer 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).
- 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 Compliance Officer/student support officer. The Compliance Officer/student support officer will inform the CEO in writing about the reporting. This reporting may affect the status of the student's visa.
- The student will be informed in writing by email once the student's COE is cancelled within 10 working days by the Compliance Officer/student support officer.
- 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 Support Team.

Non-payment of fees:

- If a student does not pay with the agreed fees according to OFFER LETTER AND ENROLMENT ACCEPTANCE, they will be sent up to 2 warning letters. If the student does not respond to these warning letters, the student will be sent Notification of Intention to Report letter according to the Non-payment of fees policy and procedure.
- The Compliance Officer/student support officer 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).
- 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 Compliance Officer/student support officer. The Compliance Officer/student support officer will inform

the CEO in writing about the reporting. This reporting may affect the status of the student's visa.

- The student will be informed in writing by email once the student's COE is cancelled within 10 working days by the Compliance Officer/student support officer.
- 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 Support Team.

Student Misbehaviour

- 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 Compliance Officer/student support officer. A copy of the warning letter will be kept on the student's file.
- The Compliance Officer/student support officer 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).
- The Compliance Officer/student support officer 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 Compliance Officer/student support officer has 10 working days to commence the process after the appeal is received)
- 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)
- Ensure that the student is advised to contact the office of Department of Home Affairs so that they are informed as to the impact of their suspension or cancellation on their existing student visa.
- The Compliance Officer/student support officer will then raise any issues detailing the misbehaviour offence in the next monthly 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 Compliance Officer/student support officer will:

- Validate the actions of all staff involved seeking further advice, verbal or written.
- Where necessary, seek further advice from the student or students involved maintaining an unbiased approach to the student or students involved.
- Decide whether an enrolment suspension or enrolment cancellation is warranted.

- 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 Compliance Officer/student support officer' decision and reaffirming the student right to appeal in line with document process within 20 working days.
- 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)
- 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.

The overseas student does not have to be given the opportunity to appeal a provider-initiated deferral, suspension or cancellation of enrolment when the overseas student's health or wellbeing, or the wellbeing of others, is likely to be at risk. The registered provider must keep evidence to support this.

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

- refuses to maintain approved care arrangements (The College does not have students under 18 years of age);
- is missing;
- 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 other students, staff or others; or
- Is at risk of committing a criminal offence.