

# **P.04.01 DEFERMENT, SUSPENSION OR CANCELLATION OF AN OVERSEAS STUDENT'S ENROLMENT POLICY AND PROCEDURE**

## **1.0 INTRODUCTION**

1.1 As outlined in the National Code Standard 9, for deferring, suspending or cancelling an overseas student's enrolment with AVETA, a student may only defer or temporarily suspend their studies, including granting a leave of absence, during their course (through a formal agreement) in certain limited circumstances.

1.2 This policy outlines AVETA's process 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 taken by AVETA with regards to implementing this policy.

1.3 AVETA may defer or suspend the enrolment of a student, if AVETA believes there are compassionate or compelling circumstances. In addition, AVETA may suspend or cancel a student's enrolment including, but not limited to, on the basis of:

- misbehaviour by the student
- the student's failure to pay an amount that they are required to pay to AVETA to undertake or continue the course as stated in the student's written agreement
- a breach of course progress or attendance requirements by the overseas student, which must occur in accordance with Standard 8 (Overseas student visa requirements).

1.4 If AVETA initiates a suspension or cancellation of the overseas student's enrolment, before imposing a suspension or cancellation AVETA must:

- inform the overseas student of that intention and the reasons for doing so, in writing
- advise the overseas student of their right to appeal through the provider's internal complaints and appeals process, in accordance with THE National Code Standard 10 (Complaints and appeals), within 20 working days.

1.5 When there is any deferral, suspension or cancellation action taken under this Standard, AVETA will:

- inform the overseas student of the need to seek advice from Immigration on the potential impact on their visa
- report the change to the overseas student's enrolment under section 19 of the ESOS Act.

1.6 The suspension or cancellation of the overseas student's enrolment under Standard 9.3 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.

1.7 Accordingly, AVETA will only defer or temporarily suspend the enrolment of the student on the grounds of:

- compassionate or compelling circumstances, or:
  - Compassionate or compelling circumstances are generally those 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:
    - 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 should 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 or being the victim of a serious crime, and this has impacted on the student (these cases should be supported by police or psychologists' reports)
    - Marriage of the student (religious)
  - where AVETA 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.
- misbehaviour by the student.

## 2.0 REFERENCES

- ESOS National National Code Standard 9: Deferment, suspension or cancellation of study during enrolment

## 3.0 RELATED AVETA POLICIES AND PROCEDURES

- Reporting International Students via PRISMS Policy
- Complaints and Appeals Policy

## 4.0 DEFINITIONS

**Deferment:** to temporarily put studies on hold (to adjourn, or delay, or postpone)

**Suspension:** to temporarily put studies on hold (to suspend or stop)

**Cancellation:** cessation or ending enrolment

Terms defined above are consistent with the reasons for Student Course Variation (SCV) in PRISMS.

## 5.0 AVETA INITIATED DEFERMENT, SUSPENSION AND CANCELLATION

5.1 POLICY	5.2 PROCEDURE
<p>a) AVETA may defer, suspend or cancel a student's enrolment under the following circumstances:</p> <ul style="list-style-type: none"> <li>i. Student misbehavior</li> <li>ii. Where AVETA's Chief Executive Officer deems it financially unviable to start the course.</li> <li>iii. In the unforeseen event that AVETA does not have adequate facilities or staff to deliver or assess.</li> <li>iv. As the result of a critical incident or major emergency</li> <li>v. If Worksafe Victoria has ordered the site of a major incident (at AVETA's premises) to be preserved pending further investigation</li> </ul>	<p>a) AVETA's Administration Department will issue a written notice to the student within 5 working days of the decision, via post and/or email, indicating the following:</p> <ul style="list-style-type: none"> <li>i. Reason(s) for AVETA's intent to Defer, Suspend or Cancel the student's enrolment</li> <li>ii. Possible consequences for the Student's visa status (i.e. risk of cancellation)</li> <li>iii. The Student's right to access AVETA's Internal Complaints and Appeals process within 20 full working days of receiving the letter</li> </ul> <p>b) A record of this letter will be placed in the student's individual file</p> <p>c) During the Complaints and Appeals process period (20 full working days), the student's enrolment will be maintained until such processes are complete. AVETA reserves the right to withdraw learning opportunities if the circumstances deem this to be necessary.</p> <p>d) Once the Complaints and Appeals process is complete, where necessary, AVETA will notify DEPARTMENT OF HOME AFFAIRS via PRISMS of any change to the enrolment status of the concerned student. Any outcome arising from the Complaints and Appeals process will be recorded in the individual student's file.</p> <p>e) If the outcome of the Internal Appeals process is unsatisfactory, students can access the External Appeals process in accordance with the Complaints and Appeals Policy. However, AVETA may notify DEPARTMENT OF HOME AFFAIRS prior to the outcome of this appeal.</p>
<p>b) AVETA may cancel a student's enrolment under the following circumstances:</p> <ul style="list-style-type: none"> <li>i. Serious breach of the Student Code of Conduct</li> <li>ii. Failure to adhere to a Risk Intervention strategy (refer to Course Progress Policy and Student Risk Intervention Procedure).</li> <li>iii. Nonpayment of fees</li> </ul>	<p>a) AVETA's Administration Department will send the student a written notice of AVETA's intention to report due to non-commencement within 14 days of the re-commencement date.</p> <p>b) The written notification will include the following information, as a minimum:</p> <ul style="list-style-type: none"> <li>i. Reason(s) for AVETA's cancellation of the student's enrolment</li> <li>ii. Possible consequences for the Student's visa status (i.e. risk of cancellation)</li> <li>iii. The Student's right to access AVETA's Internal Complaints and Appeals process within 20 full working days of receiving the letter</li> </ul> <p>c) After the conclusion of any complaints and appeals, AVETA's Administration Department will then follow the procedure described in 6.2 a) of the Reporting International Students via PRISMS Policy and Procedure</p>
<p>a. When a student does not re-enroll within 14 days of the recommencement of a study period following a deferment or suspension, it is considered to be an inactive notification by the student for termination of their studies with AVETA.</p>	<p>a) AVETA's Administration Department will send the student a written notice of AVETA's intention to report due to non-commencement within 14 days of the re-commencement date.</p> <p>b) The written notification will include the following information, as a minimum:</p> <ul style="list-style-type: none"> <li>i. Reason(s) for AVETA's cancellation of the student's enrolment</li> <li>ii. Possible consequences for the Student's visa status (i.e. risk of cancellation)</li> <li>iii. The Student's right to access AVETA's Internal Complaints and Appeals process within 20 full working days of receiving the letter</li> </ul> <p>c) After the conclusion of any complaints and appeals, AVETA's Administration Department will then follow the procedure described in 6.2 a) of the Reporting International Students via PRISMS Policy and Procedure</p>

## 6.0 STUDENT INITIATED DEFERMENT, SUSPENSION OR CANCELLATION

6.1 POLICY	6.2 PROCEDURE
<p>a) International students may defer the commencement of their course, suspend or cancel their enrolment during the course only under the following circumstances:</p> <ol style="list-style-type: none"> <li>i. Student visa delay</li> <li>ii. Compassionate and compelling circumstances (supporting documentation must be supplied to support this request)</li> </ol> <p>b) Additionally, AVETA requires that the student must have no outstanding fees or assessments prior to applying for deferment or suspension</p> <p>c) When applying for cancellation, the student must have no outstanding fees</p>	<p>a) Where a student requests to <b>defer</b> the commencement of their course, they will be required to complete the Deferment, Suspension and Cancellation Form and submit the completed document to AVETA's Administration Department for consideration. This form must be submitted within 14 days prior to the requested deferment date. If approved, and once the deferral is processed, the student will receive a new CoE to reflect any date changes.</p> <p>b) Where a student requests to <b>suspend</b> their enrolment, they must complete the Deferment, Suspension and Cancellation Form and submit this document to AVETA's Administration Department, with all supporting documentation attached. This form must be submitted at least 14 days prior to the requested suspension date. The maximum period of suspension is six months and only in limited circumstances (described above) will suspension be granted. Upon receipt of this application, a written notification will be issued to the student via post and/or advising them of the outcome of the application.</p> <p>c) Where a student requests to <b>cancel</b> their enrolment, they must complete the Deferment, Suspension and Cancellation Form and submit this to AVETA's Administration Department, with all supporting documentation attached. This form must be submitted at least 14 days prior to the requested cancellation date.</p> <p>d) Any deferment, suspension or cancellation initiated by the student will be recorded in the student's individual file, and DEPARTMENT OF HOME AFFAIRS will be notified via PRISMS.</p>
<p>d) Students may request to cancel their enrolment with AVETA where the student wishes to transfer to another registered provider</p>	<p>a) The student will be required to complete the Deferment, Suspension and Cancellation Form and submit to AVETA's Administration Department for consideration. This form must be submitted within 14 days prior to the requested cancellation date.</p> <p>b) If the student wishes to <b>cancel</b> their enrolment in order to <b>transfer</b> to another registered provider, they must have completed six months of their principal course with AVETA (the principle course is the last course in a package of courses), they must attach a Letter of Offer from the new provider.</p> <p>c) AVETA's Administration Department will then make an assessment in accordance with the Transfer Policy, and either approve or reject the student's request.</p> <p>d) The student will receive written notification of the outcome of this application via post and/or email. A copy of this notification will also be recorded in the student's individual file.</p> <p>e) AVETA's Administration Department will then report the cancellation to DEPARTMENT OF HOME AFFAIRS</p>

	via PRISMS
<p>a) Students may request to withdraw from their enrolment at AVETA under circumstances which include, but are not limited to:</p> <ul style="list-style-type: none"> <li>i. Change in visa type (i.e. no longer holds a student visa)</li> <li>ii. Relocation interstate or overseas</li> </ul>	<ul style="list-style-type: none"> <li>a) The student is required to complete the Withdrawal Form and submit to AVETA's Administration Department for consideration. This form must be submitted at least 14 days prior to the requested withdrawal date.</li> <li>b) The student will receive written notification of the outcome of this application via post and/or email. A copy of this notification will also be recorded in the student's individual file.</li> <li>c) AVETA's Administration Department will then report the cancellation to DEPARTMENT OF HOME AFFAIRS via PRISMS</li> </ul>

## 7.0 IMPACT OF DEFERRAL, SUSPENSION OR CANCELLATION

- a) Deferment, suspension and cancellation may affect the student's visa. Because of this International students will be advised to consult DEPARTMENT OF HOME AFFAIRS.
- b) DEPARTMENT OF HOME AFFAIRS may cancel a student's visa if the student is suspended for more than six months.
- c) DEPARTMENT OF HOME AFFAIRS requires that, if an international student's enrolment is suspended for 28 days or more, they must return to their home country unless special circumstances can be substantiated.
- d) If a student's enrolment is deferred, suspended or cancelled, all fees owed to AVETA will be due as set out in the Student Agreement and Acceptance of Offer.

## 8.0 APPEALS

Students can choose to appeal any decision made by AVETA in relation to applications to defer, suspend or cancel their enrolment in accordance with AVETA's Complaints and Appeals Policy and Procedure.