

Deferral, Suspension and Cancellation Policy: Overseas Students

1 PURPOSE

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 maintaining documentary evidence of the application and outcome on the student's file.

This policy has 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.

2 SCOPE

This policy applies to FIT Education and all overseas students and enrolling overseas students.

FIT Education allows students to defer or temporarily suspend their studies, including granting a leave of absence during the course, through formal agreement and in defined circumstances.

3 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 on a course.

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 in accordance with the International Student Handbook and Code of Conduct

To ensure all students receive equal opportunity to gain the maximum benefit from their training, any student(s) displaying the following dysfunctional or disruptive behaviour may be asked to leave the training session and/or the course. Examples of unacceptable behaviour include but are not limited to the following:

- Continuous interruptions of the trainer.
- Smoking in non-smoking areas.
- Being disrespectful to other participants.
- Harassment by using offensive language.
- Sexual harassment.
- Acting in an unsafe manner that places themselves and others at risk.
- Refusing to participate when required, in group activities.
- Continued absence or late arrival at required times.

4 POLICY STATEMENT

4.1 ACCEPTABLE REASONS FOR SUSPENSION OR CANCELLATION

4.1.1 In accordance with the National Code 2018, FIT Education can defer or suspend a student's enrolment on the grounds of compassionate or compelling circumstances

4.1.2 In addition, FIT Education can suspend or cancel a student's enrolment including, but not limited to, the following factors:

- Student misconduct
- Failure to comply with the Offer of Terms as outlined in the Letter of Offer and Acceptance (Written Agreement) for Course Progress or attendance, and any formal warning issued by FIT Education against these processes, which are in accordance with Standard 8 (Overseas student VISA requirements)
- The non-payment of fees in accordance with the Offer of Terms as outlined in the Letter of Offer and Acceptance (Written Agreement) and Payment Schedule

The suspension or cancellation of the overseas student's enrolment for these reasons may not take effect until the internal appeals process is completed, unless the health or wellbeing of the overseas student or the wellbeing of others, is likely to be at risk

4.2 DEFERRAL

Applications for deferral of the commencement of the course must be made by completing a Deferment Suspension Cancellation Withdrawal Form (DSCW) with any additional evidence and submitting it to FIT Education Admissions Staff prior to the course commencing.

- a) The DSCW Form can be submitted via Email, Mail or in Person.
- b) Email address: admin@fiteducation.edu.au

When the deferral request has been processed by FIT Education, the student will receive a written correspondence of the outcome.

- a) An updated Confirmation of Enrolment letter and Enrolment Agreement will be provided to reflect the new training plan.
- b) FIT Education will inform the Secretary of the Department of Education via PRISMS as required under the ESOS Act.

4.3 SUSPENSION

Applications for Suspension of enrolment must be made by completing a DSCW Form with any additional evidence and submitting it to FIT Education CEO.

- a) Applications must be received at least 10 working days prior to the requested Suspension date.
- b) Applications received less than 10 working days prior to the requested Suspension date will not be processed.
- c) In the event of an emergency requiring Suspension, the submission timeline of 10 working days may be waived by the FIT Education CEO.

Once FIT Education has processed the Suspension request, the student will receive a written correspondence of the outcome.

- a) FIT Education will inform the Secretary of the Department of Education via PRISMS as required under the ESOS Act.

4.4 CANCELLATION

Applications for cancellation of enrolment must be made by completing a DSCW Form with any additional evidence and submitting it to FIT Education Student Support Officer.

- a) The DSCW Form can be submitted via Email, Mail or in Person
- b) The CEO will review the application and decide the the outcome.
- c) The CEO will then pass the cancelation request to Administration Co-ordinator for processing.

Once FIT Education has processed the Cancellation request, the student will receive a written correspondence of the outcome.

- a) If the request is granted, the student will receive a Letter of Release. Once the Cancellation has been processed, FIT Education will inform the Secretary of the Department of Education via PRISMS as required under the ESOS Act.
- b) If the request is denied, then the student may appeal the outcome in accordance with the Complaints and Appeals Policy.

4.5 WITHDRAWAL

Applications for Withdrawal from a course must be made by completing a Deferral Suspension Cancellation Withdrawal (DSCW) Form with any additional evidence and submitting it to FIT Education CEO.

- Application for Withdrawal must be done formally, in writing with evidence of the reasons for the student's request to withdraw
- FIT Education has the right to refuse a withdrawal where a student has not completed six (6) months of their primary course
- FIT Education has the right to refuse a withdrawal on the grounds that the student has outstanding fees or if the student is in the debt recovery process as 'unresolved'
- Any refund application will be processed in accordance with the refund policy
- Certification will be processed after all outstanding fees are paid
- Certification will be issued within 30 calendar days of these conditions being met
- All documentation will be recorded in the student file
- Should the student wish to withdraw and return to their home country, the student must advise Australian Department of Home Affairs to cancel their student VISA

4.6 PRIOR TO SUSPENSION OR CANCELLATION

In any given situation that leads to a deferment, suspension or cancellation of studies, instigated by FIT Education, prior to imposing a suspension/cancellation:

- Formal written notification will be provided to the overseas student of the intent and reasons for suspension/cancellation
- The student will be informed of their right to appeal this decision, as well as the timeframe and process for doing so
- The student shall have 20 working days to access FIT Education's Internal Complaints and Appeals process in accordance with Standard 10 (Complaints and appeals)

4.7 COMPLAINTS AND APPEALS PROCESS

The deferment, temporary suspension or cancellation of studies cannot take effect until the Internal Complaints and Appeals process has been completed, unless extenuating circumstances relating to the welfare of the student apply.

At the completion of the complaints and appeals process, should the deferment, temporary suspension or cancellation of studies be upheld by the Complaints and Appeals hearing, FIT Education will inform the Secretary of the Department of Education via PRISMS as required under the ESOS Act.

4.8 DEFERRAL, SUSPENSION OR CANCELLATION ADVISING AND REPORTING OBLIGATIONS

In the instance of deferral, suspension or cancellation action proceeding, FIT Education will inform the overseas student regarding the need to immediately contact Immigration for advice on the potential impact to the student's VISA.

FIT Education will report the change to the overseas student's enrolment as per section 19 of the ESOS Act.

4.9 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:

- Students can only temporarily suspend enrolment for a maximum period of six months,
- Deferral, Suspension or Cancellation of enrolment may affect the student's VISA,
- 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

4.10 RECORDS MANAGEMENT

All documentation relating to deferment, temporary suspension or cancellation of studies will be held in the student's file and managed by Administration Co-ordinator.

All discussions with the student and relevant staff members relating to the deferment, temporary suspension or cancellation of studies will be recorded and placed as minutes in the student's file and noted in the Student Management System.

5 RESPONSIBILITIES

The CEO of FIT Education has responsibility for development, review, monitoring, evaluation, implementation and approval of all FIT Education Policies.

6 RELATED LEGISLATION AND REGULATIONS

- * 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
- Standards for Registered Training Organisations (RTOs) 2015
- Education Services for Overseas Students Regulations 2001
- Education Services for Overseas Students Act 2000
- Australian Qualification Framework (AQF) and its Policies

7 RELATED POLICIES, PROCEDURES AND DOCUMENTS

- Formalisation of Enrolment Policy and Procedures
- Complaints and Appeals Policy
- Deferral Suspension Cancellation Withdrawal DSCW Form

Deferral, Suspension, Cancellation and Withdrawal Procedure for Overseas Students (DSCW)

No.	Who	Actions
STEP 2 – Actioning the Outcomes		
2.1	CEO	a) Where the DSCW request is granted, FIT Education acts in the best interest of all parties to complete the following processes for each request
DEFERRAL—used for students who have not yet commenced with FIT Education		
2.1.1	Student CEO Administration Co-ordinator	a) Student completes and submits a DSCW Form with supporting documentation b) CEO receives and reviews Deferral Request. If Deferral Request is accepted, DSCW form is passed to Administration Co-ordinator to action. If Deferral is denied, Administration Co-ordinator notifies student of CEO's decision in writing. c) Administration Co-ordinator re-issues Letter of Offer with a new Letter of Acceptance d) Administration Co-ordinator checks PRISMS and updates eCoE if necessary e) If student requires new eCoE, Administration Co-ordinator sends a copy to the student f) Administration Co-ordinator updates SMS to ensure that student is referred to the correct intake group g) Administration Co-ordinator updates SMS with details of expected start dates and completion dates h) File all documents in the student's administration file
SUSPENSION—used for students who have breached policy or have not met their obligations to FIT Education		
2.1.2	CEO Administration Co-ordinator	a) For a student suspension initiated by FIT Education, the CEO collects all information b) Ensure that student has been contacted with their right of appeal process contained within the letter c) Interview all stakeholders involved in the suspension request d) Course Co-ordinator is informed and is involved in the decision making process e) Advise student of outcome of suspension request and their right to appeal to the external mediation services if they disagree with the decision. f) File all documents in the student's administration file
CANCELLATION—used for students who request cancellation of their enrolment or for students who have enrolment cancelled by FIT Education		
2.1.3	CEO Administration Co-ordinator	a) For cancellation initiated by FIT Education, the CEO collects all information b) Ensure that student has been contacted with their right of appeal process contained within the letter c) Interview all stakeholders d) Ensure the Course Co-ordinator is informed and is involved in the decision making process e) Advise student of outcome of cancellation decision and their right to appeal to the external mediation services if they disagree with the decision. f) File all documents in the students administration file

Deferral, Suspension, Cancellation and Withdrawal Procedure for Overseas Students (DSCW)

2.1.3.1	Student CEO Administration Co-ordinator	<ul style="list-style-type: none"> a) For student-initiated cancellation, student completes and submits a DSCW Form with supporting documentation b) If the student has not yet started with FIT Education update PRISMS and ensure eCoE is cancelled c) If the student is attending FIT Education and wishes to cancel their enrolment and return to their home country, advise the student to contact DIBP and to voluntarily cancel their student VISA. d) Monitor PRISMS daily for the DIBP cancellation of VISA e) Update SMS f) File all documents in student’s administration file.
STEP 6 –Withdrawal–used for students who request transfer of provider or have a change in VISA status		
2.1.4	Student CEO Administration Co-ordinator	<ul style="list-style-type: none"> a) For a student who requests a transfer of provider - Student completes and submits a DSCW Form with supporting documentation, including any letter of offer from another CRICOS Provider b) Administration Co-ordinator records the DSCW Form in the appropriate Register and forwards the form to CEO with all supporting evidence or documentation c) Administration Co-ordinator recommends that the student continue to meet their VISA obligations during this process. d) If the student has outstanding fees the process is suspended until all outstanding fees are paid e) Course Co-ordinator may assist CEO to review all evidence f) CEO informs student of outcome in writing. If the request is refused, the CEO details the reason/s for refusal, reminding the student of their right of appeal. g) If the request is approved: <ul style="list-style-type: none"> a. Administration Co-ordinator updates PRISMS b. Cancel CoE h) File all documents in the student’s administration file
6.2	CEO Administration Co-ordinator	<ul style="list-style-type: none"> a) For a student who has a change in VISA status - check visa status on PRISMS (PRISMS should show DIBP has cancelled eCoE) b) If student’s VISA is still active, refer student back to DIBP and advise student that they should still comply with their current VISA conditions. (Request refused at this point) c) If student has outstanding fees, the process is suspended until all outstanding fees are paid d) When all fees are paid, documents can be issued and all information and forms can be filed in the student administration file i) Update SMS and verify that eCoE has been cancelled by DIBP e) File all documents in the student’s administration file