

# Deferral, Suspension and Cancellation Policy

This policy establishes the principles and processes by which Institute of Skills and Training Australia will assess applications from international students for the deferral (delayed commencement), suspension (leave of absence) or cancellation (withdrawal) of their enrolment to ensure compliance with the rules of Institute of Skills and Training Australia, the **Outcome Standards**, and the **National Code of Practice for Providers of Education and Training to Overseas Students 2018**.

This policy applies to international students who seek to defer, suspend or cancel their enrolment in course of study at Institute of Skills and Training Australia. This policy also applies to company staff who assess and process such voluntary student-initiated requests or must implement a decision by Institute of Skills and Training Australia to suspend or cancel an international student's enrolment due to misconduct, including the non-payment of tuition fees.

## **This policy relates to the following corporate documents:**

This policy applies only to international students at Institute of Skills and Training Australia and should be read in conjunction with the following company policies:

- International Student Transfer between Registered Providers Policies
- Course Fees and Refund Policy
- Complaints & Appeals Policy

## **This policy relates to the following legislation:**

- Outcome Standards
- Standard 9 of the National Code 2018

## **Definition**

**Compassionate or Compelling Circumstance** - means situations generally beyond the control of a student which has an impact on their course progression or wellbeing, such as serious illness or injury, bereavement, exceptional personal hardship or compulsory overseas military service.

**Deferment** - means postponement of the commencement date of study that allows the student's place in an Institute of Skills and Training Australia course to be held for a nominated period of time, usually a period of twelve (12) months.

**Cancellation** - means withdrawal from the enrolled course of study at Institute of Skills and Training Australia that may be voluntarily activated by the student or forced by Institute of Skills and Training Australia because of misconduct.

**Misconduct** - means any behaviour that is contrary to a policy or to generally accepted social or academic standards, for example but not limited to, harassment or plagiarism.

**Suspension, Involuntary** - means a forced finite break from studies which is activated by Institute of Skills and Training Australia because of misconduct.

**Suspension, Voluntary** - means to take a leave of absence from studies which is activated by the student, usually for a period of up to twelve (12) months.

ISTA has policies and procedures which guide the application by international students for the deferment, cancellation or voluntary suspension of their course of study at Institute of Skills and Training Australia, and how applications are assessed and processed.

The Department of Home Affairs (DHA) also have rules under which they will agree to vary a student's visa for the purpose of deferring course commencement or suspending enrolment for a leave of absence. The DHA imposed conditions are very limited and Institute of Skills and Training Australia must abide by these rules when assessing an international student's application for leave in accordance with **Standard 9 of the National Code 2018** and are also guided by **Standards 7 and 8**.

The deferment, suspension and cancellation of the enrolment of an international student may impact the visa as issued by DHA. An international student who is considering deferring, suspending or cancelling their enrolment at Institute of Skills and Training Australia should seek further information from DHA on the implications of such a decision on their student visas via their website <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/student-500>. Institute of Skills and Training Australia will report the deferment, suspension or cancellation of enrolment to the Secretary via PRISMS in accordance with Standard 9.5 of the National Code 2018.

## Deferment or Delayed Commencement of Study

Activated by Student on Request (Application) prior to Start Date

If an international student is unable to commence their course of study at Institute of Skills and Training Australia in the term for which they applied for, or they commence their studies as enrolled but decide they wish to delay commencement before start date, they may apply to defer their study at Institute of Skills and Training Australia to a new agreed commencement date. The maximum period for which deferment that will be granted is twelve months, unless there are compelling circumstances to extend this timeframe. International students should be aware that deferring their study at Institute of Skills and Training Australia may affect their student visa.

Where an international student wishes to defer their course of study, the student must lodge an 'Application to Defer the Commencement of Study' form with the Institute of Skills and Training Australia Administration staff outlining the reasons for the request. An 'Application to Defer the Commencement of Study' form and the instructions for lodgement can be downloaded from on the student resources page of the Institute of Skills and Training Australia's website. Applications for deferment should be submitted as soon as a student is aware they are unable to commence study as recorded in their CoE but at least ten (10) working days prior to the commencing study period start date.

Applications for deferment received after a study period start date will not be accepted and students will be directed to submit an 'Application to Suspend Enrolment for a Leave of Absence' form to suspend their studies. Institute of Skills and Training Australia will report the deferment of enrolment to the Secretary via PRISMS in accordance with Standard 9.5 of the National Code 2018.

Institute of Skills and Training Australia will only consider an application complete and eligible for assessment when all sections have been completed, the form signed with documentary evidence attached (completed application), such as but not limited to:

- Medical certificate from a registered medical practitioner
- Statement of support from a counsellor or psychologist
- Certified personal statement of exceptional hardship
- Activation orders for compulsory overseas military service

Institute of Skills and Training Australia will assess and respond to all completed applications within ten (10) working days. A longer time may be required during peak admission and enrolment times, but the process will not exceed fifteen (15) working days.

Institute of Skills and Training Australia may grant approval for a delayed commencement (deferral) on the grounds of compassionate or compelling circumstances, in accordance with Standard 9 of the National Code 2018.

Where an 'Application to Defer the Commencement of Study' is successful, Institute of Skills and Training Australia will issue in writing confirmation of application outcome to notify of the decision and report the deferral via PRISMS. It is the responsibility of the student to sign and return the letter acknowledging their acceptance of the new commencement date and any subsequent changes to their enrolment. Institute of Skills and Training Australia will hold the student's place in their course of study, but it is the student's responsibility to observe the enrolment process in line with the dates as stipulated in the Application to defer the Commencement of study, including providing a copy of the new visa.

Where an 'Application to Defer the Commencement of Study' is denied, Institute of Skills and Training Australia will issue a Refusal of Deferment Letter outlining the reasons for refusal and their right to appeal within twenty (20) working days. Students wishing to make an appeal should refer to the RTO's Complaints & Appeals Policy.

*A copy of all applications, decisions and outcomes will be recorded on the student file.*

## Leave of Absence or the Voluntary Suspension of Study

Activated by Student on Request (Application) after study period commencement.

If an international student who has commenced their course of study at Institute of Skills and Training Australia wishes to take a leave of absence from their studies, they may apply to voluntarily suspend their enrolment for a period up to twelve (12) months. International students should be aware that suspending their enrolment at Institute of Skills and Training Australia and taking a leave of absence may affect their student visa. Institute of Skills and Training Australia will report the suspension of enrolment to the Secretary via PRISMS in accordance with Standard 9.5 of the National Code 2018.

Where an international student wishes to take a leave of absence from their course of study at Institute of Skills and Training Australia, the student must lodge an 'Application to Suspend Enrolment for a Leave of Absence' form with the Institute of Skills and Training Australia Administration staff outlining the reasons for the request. An 'Application to Suspend Enrolment for a Leave of Absence' form can be downloaded from the Student Resources page of Institute of Skills and Training Australia's website.

Applications for leave should be submitted as soon practical and at least ten (10) days prior to the commencement date of the next study period. Where the decision to take a leave of absence is made after the study period commencement date, application should be made prior to Census Date to avoid any academic and/or monetary penalty. For example, in accordance with the RTO's, applications for leave received after Census Date will not be entitled to any refund of tuition fees **Course Fees and Refunds Policy**.

Institute of Skills and Training Australia will only consider an application complete and eligible for assessment when all sections have been completed, the form signed with documentary evidence attached ('completed application'), such as but not limited to:

- Medical certificate from a registered medical practitioner
- Statement of support from a counsellor or psychologist
- Certified personal statement of exceptional hardship
- Activation orders for compulsory overseas military service

Institute of Skills and Training Australia will assess and respond to all completed applications within ten (10) working days. A longer time may be required during peak admission and enrolment times, but the process will not exceed fifteen (15) working days.

Institute of Skills and Training Australia may grant approval for a leave of absence (voluntary suspension of study) on the grounds of compassionate or compelling circumstances, in accordance with Standard 9 of the National Code 2018. The applicant will be advised of the decision in writing.

Where an **Application to Suspend Enrolment for a Leave of Absence** is successful, Institute of Skills and Training Australia will issue an Approval of Leave Letter and hold the student's place in their course of study, but it is the student's responsibility to observe the re-enrolment process in line with the dates as stipulated in the Approval of Leave Letter. Institute of Skills and Training Australia will update the CoE via PRISMS in accordance with the agreed return date and expected completion date. Students must provide a copy of the new visa to the Administration Office before enrolment will be finalised for their return to study at Institute of Skills and Training Australia at the agreed date.

Where an **Application to Suspend Enrolment for a Leave of Absence** is denied, the student will be notified in writing of the reasons for the refusal and their right to appeal within twenty working days as per Standard 9.1 of the National Code 2018. Students wishing to make an appeal should refer to the company Complaints & Appeals Policy. A student's enrolment will be maintained for the duration of the internal appeals process and Institute of Skills and Training Australia will not report any changes to DHA via PRISMS during this time.

*A copy of all applications, decisions and outcomes, including the new student visa where applicable, will be kept on the student file.*

## Duration of Leave – International Students

DHA's policy is that if a student's enrolment is suspended for a period of 28 days or longer, the student must return home unless special circumstances exist (for example, the student is medically unfit to travel). Therefore, when the RTO notifies DHA that an international student's enrolment has been suspended for a significant period, the student must return to their home country unless special circumstances exist (for example, the student is medically unfit to travel).

While the RTO determines the enrolment status of the student, it is DHA who decides whether the student may remain in Australia or must return home. DHA may cancel a visa where, for example, the student has obtained special leave with the understanding of returning to their homeland, and the student then does not leave Australia, or where the student leaves Australia, but does not return to their studies by the agreed date. An extended leave of absence or a deferral of more than 6 months, for any reason, will result in cancellation of the visa.

## Involuntary Suspension of Enrolment for Misconduct

Activated by Institute of Skills and Training Australia

Where an international student has displayed or participated in behaviour contrary to the Student Conduct Policy and Procedure or other company policy or to generally acceptable social or academic standards, Institute of Skills and Training Australia may activate a suspension of study for misconduct.

Where Institute of Skills and Training Australia intends to suspend the enrolment of an international student because of misconduct, the student will be issued with a Notice of Intention to Suspend Enrolment notifying the intention to suspend, the reasons for the decision and the student's right to appeal within twenty (20) working days in accordance with Standard 9.4 of the National Code 2018. Institute of Skills and Training Australia will hold the student's place in their course of study for the period of suspension. It is the student's responsibility to observe the re-enrolment process in line with the dates as stipulated in the Notice of Intention to Suspend Enrolment. Institute of Skills and Training Australia will report the suspension of enrolment to the Secretary via PRISMS in accordance with Standard 9.5 of the National Code 2018.

Students wishing to make an appeal against suspension for academic misconduct should refer to the Institute of Skills and Training Australia Complaints & Appeals Policy. A student's enrolment will be maintained for the duration of the internal appeals process and Institute of Skills and Training Australia will not report any changes in PRISMS during this time.

*A copy of all decisions and outcomes, including the new student visa where applicable, will be recorded on the student file.*

## Cancellation of Enrolment for Misconduct

Activated by Institute of Skills and Training Australia

Where an international student has displayed or participated in behaviour contrary to the Student Conduct Policy and Procedure or other company policy or to generally acceptable social or academic standards, Institute of Skills and Training Australia may activate the cancellation of their enrolment at the company. In accordance with Standard 9 of the National Code 2018, Institute of Skills and Training Australia may cancel an international student's enrolment on the grounds of misconduct which may include one or more, but not limited to, the following circumstances:

- Unsatisfactory course progress, in accordance with Standard 9 of the National Code 2018
- Plagiarism, cheating or collusion.
- Harassment or bullying of students, staff or other persons.
- Causing or threatening the safety or health of students, staff or other persons
- Non-payment of tuition fees

Where Institute of Skills and Training Australia intends to cancel the enrolment of an international student because of misconduct, the student will be issued with a Notice of Intention to Cancel Enrolment notifying the intention to cancel, the reasons for the decision and the student's right to appeal within twenty working days in accordance with Standard 9.5 of the National Code 2018. Institute of Skills and Training Australia will report the cancellation of enrolment to the Secretary via PRISMS in accordance with Standard 9 of the National Code 2018.

Students wishing to make an appeal against the cancellation of their enrolment for academic misconduct should refer to the Institute of Skills and Training Australia's Complaints & Appeals Policy. A student's enrolment will be maintained for the duration of the internal appeals process and Institute of Skills and Training Australia will not report any changes to DHA via PRISMS during this time.

*A copy of all decisions and outcomes will be recorded on the student file.*

## **Cancellation or Withdrawal from a Course**

Activated by Student on Request (Application)

If an international student is unable to continue their course of study at Institute of Skills and Training Australia, they may apply to withdraw or cancel their enrolment at Institute of Skills and Training Australia.

When an international student wishes to withdraw from their course of study at Institute of Skills and Training Australia, the student must lodge an 'Application to Withdraw and Cancel Enrolment' form with the Institute of Skills and Training Australia Administration staff outlining the reasons for the request. An 'Application to Withdraw and Cancel Enrolment' form can be downloaded from the Student Resources page of the Institute of Skills and Training Australia website.

Applications to withdraw or cancel enrolment should be submitted prior to Census Date to avoid any academic penalty. In accordance with the RTO's Course Fees and Refunds Policy there are no tuition fee refunds after commencement of studies.

An international student applying to cancel their enrolment to transfer to a course at another registered provider and has not completed six months of their principal course of study at Institute of Skills and Training Australia, should refer to the International Student Transfer between Registered Providers Policy which outlines the conditions by which Institute of Skills and Training Australia must abide in accordance with Standard 7 of the National Code 2018.

Institute of Skills and Training Australia will grant approval to withdraw from a course of study on the grounds of compassionate or compelling circumstances, in accordance with Standard 9.2 of the National Code 2018.

Institute of Skills and Training Australia will only consider an application complete and eligible for assessment when all sections have been completed, the form signed with documentary evidence attached ('completed application'), such as but not limited to:

- Medical certificate from a registered medical practitioner
- Statement of support from a counsellor or psychologist
- Certified personal statement of exceptional hardship
- Activation orders for compulsory overseas military service

Institute of Skills and Training Australia will assess and respond to all completed applications within ten (10) working days. A longer time may be required during peak admission and enrolment times, but the process will not exceed fifteen (15) working days.

Institute of Skills and Training Australia may grant approval to withdraw (cancel enrolment) on the grounds of compassionate or compelling circumstances, in accordance with Standard 9 of the National Code 2018. The applicant will be advised of the decision in writing.

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Where an 'Application to Withdraw and Cancel Enrolment' is successful, Institute of Skills and Training Australia will issue an Approval of Withdrawal Request Letter. Institute of Skills and Training Australia will report the cancellation of enrolment to the Secretary via PRISMS in accordance with Standard 9 of the National Code 2018.

Where an 'Application to Withdraw and Cancel Enrolment' is denied, the student will be notified in writing of the reasons for refusal and their right to appeal within twenty (20) working days as per Standard of the National Code 2018. Students wishing to make an appeal should refer to the company Complaints & Appeals Policy. A student's enrolment will be maintained for the duration of the internal appeals process and Institute of Skills and Training Australia will not report any changes to DHA via PRISMS during this time.

*A copy of all applications, decisions and outcomes will be recorded on the student file.*



## Procedure

### 1. Submit an application to the Institute of Skills and Training Australia Administration staff.

*Responsible: Student*

Students wishing to make application to defer, suspend or withdraw by cancelling their enrolment should by complete the appropriate form and attach the documentary evidence as outlined in the Deferral, Suspension or Cancellation Enrolment Policy. The respective application form and attachments should be submitted to the Institute of Skills and Training Australia Administration staff.

### 2. Review and consideration of the completed application against assessment criteria Institute of Skills and Training Australia.

*Confirm application for completeness.*

*Responsible: Institute of Skills and Training Australia Administration staff*

The respective application form as submitted is checked for completeness by the Institute of Skills and Training Australia Administration staff. All applications are required to be completed, signed and it is the responsibility of the student to attach the appropriate documentary evidence in support of their application which may include, but not be limited to:

- Medical certificate from a registered medical practitioner
- Statement of support from a counsellor or psychologist
- Certified personal statement of exceptional hardship
- Activation orders for compulsory overseas military service

All attachments should be copies of originals as certified by a Justice of the Peace (and translated into English if necessary). Where original documentation is presented with the application, the Institute of Skills and Training Australia Administration staff will take copies of the documentation and witness them as being true copies of originals presented. The original documentation will be returned to the student (or applicant).

Application forms will not be accepted without the appropriate supporting documentation.

### Assessment of the completed application

*Responsible: Institute of Skills and Training Australia RTO Manager (or nominee)*

After the check for completeness, the RTO Manager undertakes a review of the application against the assessment criteria as outlined in the Deferral, Suspension or Cancellation Policy and decides to grant or deny the application for course credit. The RTO manager may choose to refer the application to the CEO where they require further input to make the appropriate decision.

### 3. Advise assessment decision in writing.

*Responsible: Institute of Skills and Training Australia Administration*

Institute of Skills and Training Australia Administration will advise the student (or applicant) in writing of Institute of Skills and Training Australia's decision to grant or deny the request to defer, suspend or cancel enrolment within ten (10) working days of the receipt of the completed application. A longer



time may be required during peak admission and enrolment times but will not exceed fifteen (15) working days.

Where an application is successful, Institute of Skills and Training Australia will send the student the respective Approval Letter notifying the decision, that the deferment, suspension or cancellation of their enrolment may affect their visa and they should seek further information from DHA before accepting the decision of Institute of Skills and Training Australia to grant their request. The student must sign and return a copy of this letter authorising the change to their enrolment and any subsequent conditions on their return to study if applicable before the student management system is updated accordingly.

Where an application is denied, the student will be notified in writing of the reasons for refusal and their right to appeal within twenty working days as per Standard 9.4 of the National Code 2018. A student's enrolment will be maintained for the duration of the internal appeals process and Institute of Skills and Training Australia will not report any changes to DHA via PRISMS during this time.

#### **4. Respond to the notification of decision.**

*Responsible: Student (or the Applicant)*

##### **a. The student accepts the RTO's decision.**

If the student (or applicant) accepts the RTO's decision outlined in their notification letter following their application to voluntarily defer, suspend or cancel their enrolment, they must formally accept the decision and acknowledge their understanding of any implications, by signing and returning a copy of the letter to Institute of Skills and Training Australia Administration.

For any student activated requests to defer, suspend or cancel their enrolment, no changes will be made without receipt of the student's acknowledgement in writing.

On receipt of the signed acknowledgement, the Institute of Skills and Training Australia Administration staff will update the student management system and report the change to DHA via PRISMS within five (5) working days in accordance with Standard 9.5 of the National Code 2018.

It is the responsibility of the student to complete and lodge an 'Application for Tuition Fee Refund' form or 'Application for Letter of Release' form if appropriate (refer to the Course Fees and Refunds Policy and/or International Student Transfer between Providers Policy).

##### **b. The student appeals the Institute of Skills and Training Australia's decision.**

Students who appeal the RTO's decision outlined in their notification letter to defer, suspend or cancel their enrolment must do so within twenty (20) working days from the deemed receipt of the notification letter. The appeal must be submitted in writing using the 'Application for an Appeal or Complaints' form which can be downloaded from the Student Resources page of Institute of Skills and Training Australia's website. Students should refer to the company Complaints & Appeals Policy on how to lodge an appeal, and the Student Conduct Policy and Procedure for the eligible grounds for appeal and details on how the case will be heard by the Misconduct Appeals Committee. Where a student has admitted to committing or participating in an act of misconduct, an appeal can be made only on the ground of excessive penalty.

Where the student elects to appeal, their enrolment and access to company services will be maintained for the duration of the appeals process and Institute of Skills and Training Australia will not report any changes in PRISMS during this time. However, if the appeal is unsuccessful, enrolment will be cancelled and access to all company services withdrawn at the end of the appeal process. Institute of Skills and Training Australia will also report the change to enrolment to the Secretary via

PRISMS within five working days of end of the appeal process in accordance with Standard 9.5 of the National Code 2018.

## **c. The student elects not to appeal the company decision.**

Students who elect not to appeal the company decision outlined in their notification letter to defer, suspend or cancel their enrolment, will have their enrolment changed accordingly and access to all company services withdrawn at the conclusion of the twenty (20) working day appeal period.

Institute of Skills and Training Australia will also report the change to enrolment to the Secretary via PRISMS within five working days of the end of the appeal period in accordance with Standard 9 of the National Code 2018.

## **5. Enrolment is updated in the Student Management System**

### **a. Where the student voluntarily defers, suspends or cancels their enrolment.**

Where the student voluntarily applied to defer, suspend or cancel their enrolment, on receipt of the signed acknowledgement letter accepting the change to their enrolment, the Institute of Skills and Training Australia Administration staff will update the student management system to adjust enrolment accordingly and withdraw the student from all company services including access to the following:

- campus access
- the online Institute of Skills and Training Australia learning management system (LMS)
- other company hardware and software including WiFi access.

No changes will be made to enrolment without receipt of the student's acknowledgement in writing by the Institute of Skills and Training Australia Administration. Until this time, the student remains enrolled in their course of study and bound by the company policies, the ASQA Standards 2015, the Education Services for Overseas Students (ESOS) Act 2000 and National Code 2018 which governs their enrolment at Institute of Skills and Training Australia and visa to study and reside in Australia.

- Within five working days of receipt of the signed letter, the Administration Office will report the change to DHA via PRISMS in accordance with Standard 9 of the National Code 2018. When a student's studies are deferred or suspended, in addition to the student's contact details and the expected duration of the deferment or suspension, providers must give the date deferment or suspension starts. When a student's studies are terminated (whether by the student), in addition to the student's contact details, providers must give the day the student's studies are terminated and the last day of the student's studies.

### **b. Where the School activates the suspension or cancellation of enrolment**

Where Institute of Skills and Training Australia activates the suspension or cancellation of enrolment for misconduct, at the end of the twenty (20) day appeal period or the appeal process as applicable, the Institute of Skills and Training Australia Administration staff will update the student management system to adjust enrolment accordingly and withdraw the student from all company services including access to the following:

- campus access
- the online Institute of Skills and Training Australia learning management system (LMS)
- other company hardware and software including WiFi access.

- Within five (5) working days of the appropriate appeal period as outlined above, the Administration Office will report the change to DHA via PRISMS in accordance with Standard 9 of the National Code 2018. When a student's studies are deferred or suspended, in addition to the student's contact details and the expected duration of the deferment or suspension, providers must give the date deferment or suspension starts. When a student's studies are terminated (whether by the student), in addition to the student's contact details, providers must give the day the student's studies are terminated and the last day of the student's studies.

## **6. Re-enrolment for deferred or suspended students**

Students who deferred or suspended their enrolment for a leave of absence will be sent a letter outlining the process for re-enrolment and any imposed conditions for their return to study at Institute of Skills and Training Australia at the agreed commencement date (following deferment) or return date (following a leave of absence or company activated suspension). Students will be asked to contact the Institute of Skills and Training Australia to begin the re-enrolment at least twenty (20) days prior to the agreed commencement date or return date.

### **Note: ESOS Regulation Changes from October 1, 2019**

Providers must give information about accepted students as follows:

- the student's residential address, phone number and email address
- when a student changes their course, in addition to the student's contact details, providers must give the day the student changes their course.
- when a student's course changes duration, in addition to the student's contact details, providers must give the day the change takes effect.
- when a student's course changes location, in addition to the student's contact details, providers must give the day the change takes effect.
- when a student's studies are deferred or suspended, in addition to the student's contact details and the expected duration of the deferment or suspension, providers must give the date deferment or suspension starts.
- if the provider gives particulars of a student's breach of their student visa conditions, providers must give the student's contact details and residential address in Australia and their residential address overseas, and
- when a student's studies are terminated (whether by the student), in addition to the student's contact details, providers must give the day the student's studies are terminated and the last day of the student's studies.

**The RTO Manager, International Support Officer and Administration staff who oversee international students at Institute of Skills and Training Australia and this policy is reviewed by the RTO Manager and authorised officers on an annual basis or whenever the provider is alerted to changes in the National Code.**