



DEFERMENT, SUSPENSION AND CANCELLATION POLICY

PREAMBLE

Overseas Students may request a Deferment or Suspension of their studies during their course in limited circumstances. Overseas Students that request a Deferment or Suspension of their studies will be dealt with in accordance with the National Code.

The College may also suspend or cancel a student's (both Overseas and Domestic Students) enrolment, provided that such Suspension or Cancellation is consistent with the College's policies and Australian Law.

The College must in all cases involving Overseas Students,, inform the student that Deferment, Suspension or Cancellation of enrolment may affect his or her student visa and that the Department of Education Skill and Employment will be informed via PRISMS of any Deferment, Suspension or Cancellation.

IMPORTANT: A student may be excluded from class as a disciplinary measure. An *exclusion from class* is different to a *suspension of enrolment*. A suspension of enrolment means to temporarily put studies on hold and for Overseas Students this must be reported on PRISMS. An *exclusion from class* for Overseas Students will not be reported on PRISMS.

DEFINITIONS AND ACRONYMS

"Agreed Starting Date" means the Day on which the course is scheduled to start, or a later Day agreed between the College and the student which is found recorded in the Letter of Offer or the student management system.

"Cancellation" means the termination of studies.

"College" means Australian Pacific College, English Unlimited and APC Design School.

"Compassionate or Compelling Circumstances" are circumstances that are generally beyond the control of the student which have an impact upon the student's course progress or well-being. They include, but are not limited to:

- i. Serious illness, where a medical certificate states that the student was unable to attend classes;
- ii. bereavement of close family members such as parents or grandparents;
- iii. major political upheaval or natural disaster in their home country requiring emergency travel that has impacted on studies;
- iv. a traumatic experience which has or will impact on the student's ability to study (these cases should be, where possible, supported by police or psychologists' reports);
- v. where the registered provider is unable to offer a prerequisite unit; and/or



- vi. inability to begin studying on the course commencement date due to a delay in receiving the student visa.

“**Deferment**” means to temporarily put the commencement of studies on hold.

“**DHA**” means the Department of Home Affairs.

“**Extenuating Circumstances**” include where:

- i. the student refuses to maintain approved welfare and accommodation arrangements (for students under 18 years of age);
- ii. the student is missing;
- iii. the student has medical concerns or severe depression or psychological issues which lead the College to fear for the student’s well being;
- iv. the student has engaged in or threatened to engage in behaviour that is reasonably believed to endanger the student or others;
- v. the student is at risk of committing a criminal offence;
- vi. the student is the subject of investigation relating to criminal matters; or
- vii. where the college has reason to believe that the student is not a bona fide student.

“**National Code**” means the National Code for Providers of Education and Training to Overseas Students 2018.

“**Overseas Student**” means a person (whether within or outside Australia) who holds a student visa as defined by the ESOS Act.

“**Policy**” means this Deferment, Suspension and Cancellation Policy.

“**PRISMS**” means the Provider Registration and International Student Management System.

“**Suspension**” means to temporarily put the continuation of studies on hold. A suspension occurs when a student has commenced studies.

1 STUDENT REQUESTED DEFERMENT OF ENROLMENT OR SUSPENSION OF STUDY

- 1.1 Overseas Students may request a deferment or suspension of their studies.
- 1.2 Domestic Students may request a deferment or suspension of their studies.
- 1.3 The College may grant a Deferment of enrolment before a student commences their study, or a Suspension of enrolment once a student has commenced a course on the grounds of Compassionate or Compelling Circumstances.



2 MAKING A REQUEST AND ASSESSING REQUESTS FOR DEFERMENT OF ENROLMENT OR SUSPENSION OF STUDIES

- 2.1 A student can request a Deferment or Suspension of their studies by completing a Student Course Variation Form which is available on the College websites.
- 2.2 The student must attach to the Student Course Variation Form all evidence that supports their request for deferment or suspension.
- 2.3 The student must send their Student Course Variation Form and supporting evidence to coursevariation@apc.edu.au. APC Design School students may send their Student Course Variation Form to designregistrar@virtu.edu.au. The student can obtain assistance from Student Care to do this. The Student Course Variation Form must be completed and signed and all evidence attached. If it is incomplete or does not have the evidence attached it will not be processed and returned to the student to complete.
- 2.4 Each application will be assessed on its own merits on a case by case basis by the Campus Manager/Director.
- 2.5 The final decision for granting a Deferment or Suspension lies with the Campus Manager/Director.
- 2.6 All applications by students for Deferment or Suspension will be considered and the decision conveyed to the student within 10 working days from the date of application by the student in writing.
- 2.7 Overseas Students must be informed in writing, that the Deferment or Suspension may affect their student visa (see clause 12 below). Students must be directed to the Department of Home Affairs website or helpline (131 881) for information on how the potential change to enrolment status may impact upon their visa.
- 2.8 For Overseas Students the College must, if the Deferment or Suspension is granted, report it on PRISMS.
- 2.9 Documentary evidence of the request and decision (and all supporting documents) must be maintained in the student's file.
- 2.10 The College may impose conditions on any Suspension granted. Where an Overseas Student is granted an extended period of Suspension and remains in Australia for the duration of the Suspension, the College may decide to make the Suspension conditional upon regular communication and meetings with the College, if there are concerns about the student's welfare and support network.



3 EXCLUSION FROM CLASS (APPLICABLE TO BOTH OVERSEAS STUDENTS AND DOMESTIC STUDENTS)

- 3.1 The College may exclude a student from class on the grounds of misbehaviour by the student. Behaviour that may result in the exclusion of a student is found in the College's Student Code of Conduct and Plagiarised and Dishonest Assessments Policy and Procedure.
- 3.2 Excluded students must abide by the conditions of their exclusion, which, if the student is under the age of 18 years, will depend on the accommodation and welfare arrangements in place for each student and which will be determined by the Campus Manager/Director and communicated to the student and parent/carer in writing.
- 3.3 If the excluded student is provided with homework or other studies for the period of the exclusion, the student must continue to meet the academic requirements of the course.
- 3.4 Exclusion from class of Overseas Students will not be recorded on PRISMS.
- 3.5 Periods of exclusion from class will not be included in attendance calculations, where attendance is recorded.

4. COLLEGE INITIATED SUSPENSION OF STUDIES (APPLICABLE TO BOTH OVERSEAS STUDENTS AND DOMESTIC STUDENTS)

- 4.1 The College may initiate a Suspension of the enrolment of a student on the grounds of misbehaviour by the student or Extenuating Circumstances. Behaviour that may result in the Suspension or Cancellation of a student is found in the College's Student Code of Conduct and Plagiarised and Dishonest Assessments Policy and Procedure.
- 4.2 The College may also initiate a Suspension of the enrolment of a student on the basis of:
 - a) the student's failure to pay an amount they were required to pay the College to undertake or continue their course as stated in the Letter of Offer or any other written agreement; or
 - b) a breach of the College's course progress or attendance requirements by the student, which occurs in accordance with the VET or ELICOS Course Progress Policies or the ELICOS Attendance Policy.
- 4.3 The College is not limited to the examples outlined in clauses 4.1 and 4.2 above, in deciding whether to Suspend or Cancel a student's enrolment.

- 4.4 Suspended students must abide by the conditions of their suspension which, if the student is under the age of 18 years, will depend on the accommodation and welfare arrangements in place for each student and which will be determined by the Campus Manager/Director and communicated to the student and parent/carer in writing.
- 4.5 Before suspending a student's enrolment the College must notify the student of its intention to take such action in writing and its reasons for doing so and allow the student 20 working days to access the College's complaints and appeals process. If accessed, the Suspension cannot take effect until the internal complaints and appeals process is completed (unless the student's health or wellbeing, or the wellbeing of others, is likely to be at risk - this decision will be made by the Campus Manager/Director and must be supported by appropriate evidence). The College also must not report the Suspension on PRISMS (for Overseas Students) until this process is completed.
- 4.6 Until the internal complaints and appeals process is completed the student's enrolment will be maintained and the student is required to maintain their attendance at all classes. The Principal Academic Director will determine if participation in studies will be in class or under a supervised arrangement outside of classes.
- 4.7 If the student does not access the College's complaints and appeals process, or, if the student has exhausted all avenues of appeal without success, Suspension of enrolment will occur and if it is an Overseas Student it will be reported on PRISMS.
- 4.8 Overseas Students must be informed in writing, that Suspension may affect their student visa. Students must be directed to the Department of Home Affairs website or helpline (131 881) for information on how the potential change to enrolment status may impact upon their visa.
- 5. COLLEGE INITIATED CANCELLATION OF ENROLMENT (APPLICABLE TO BOTH OVERSEAS STUDENTS AND DOMESTIC STUDENTS)**
- 5.1 The College will cancel the enrolment of a student under the following conditions;
- a) failure to pay an amount that the student was required to pay the College to undertake or continue the course as stated in the Letter of Offer or any other written agreement; or
 - b) any behaviour identified as resulting in Cancellation in the College's Student Code of Conduct/ELICOS handbook/VET handbook; or
 - c) any Extenuating Circumstances or behaviour that leads the College to believe that it is not in the best interests of the student's welfare or the welfare of other students to continue studying, for example (but not limited to):

- i) the student is missing; or
 - ii) the student has medical concerns or severe depression or psychological issues which lead the College to fear for the student's well being; or
 - iii) the student has engaged in, or threatened to engage in, behaviour that is reasonably believed to endanger the student or others; or
 - iv) where the college has reason to believe that the student is not a bona fide student; and/or
 - v) the student is deemed to have abandoned studies (see clause 6 below); or
 - d) a breach of Course Progress or attendance requirements by the student, which occurs in accordance with the VET or ELICOS Course Progress Policies or the ELICOS Attendance Policy.
- 5.2 Before cancelling a student's enrolment, the College must notify the student of its intention to take such action in writing and its reasons for doing so, and allow the student 20 working days to access the College's complaints and appeals process. If accessed, the College must not report the cancellation on PRISMS until the internal complaints and appeals process is completed (unless the student's health or wellbeing or the wellbeing of others, is likely to be at risk - this decision will be made by the Campus Manager/Director and must be supported by appropriate evidence).
- 5.3 Until the internal complaints and appeals process is completed the student's enrolment will be maintained and the student is required to maintain their attendance at all classes. The Principal Academic Director will determine if participation in studies will be in class or under a supervised arrangement outside of classes.
- 5.4 If the student does not access the College's complaints and appeals process or, the student has exhausted all avenues of appeal without success, Cancellation of enrolment will occur and if it is an Overseas Student it will be reported on PRISMS. Any Cancellation of enrolment will be dealt with in accordance with the College's Cancellation and Refund Policy.
- 5.5 Overseas Students must be informed in writing, that Suspension may affect their student visa. Students must be directed to the Department of Home Affairs website or helpline (131 881) for information on how the potential change to enrolment status may impact upon their visa.
- 6. ABANDONMENT OF STUDIES (NON-RESUMPTION OF STUDIES) (APPLICABLE TO BOTH OVERSEAS STUDENTS AND DOMESTIC STUDENTS)**
- 6.1 An Overseas Student is deemed to have abandoned their studies if the student:
- a) does not return to study within 10 days of the course resumption date after a scheduled course break (for example, the term start date), **and**,
 - b) does not inform the College of any delay in returning to studies.



- 6.2 Overseas Students deemed to have abandoned their studies will have their enrolment cancelled for the reason of “ceased study”.
- 6.3 A VSL eligible Student will be reported as ‘failed’ if they abandon their studies after the census date.
- 6.4 Students who return to study after cancellation of enrolment, will need to reapply for their course and pay the applicable fees.

7. NON-COMMENCEMENT OF STUDIES (STUDENT DEFAULT) (OVERSEAS STUDENTS ONLY)

- 7.1 An Overseas Student is considered to have not commenced their studies if they do not collect their class allocation (timetable) within 2 weeks of the Agreed Starting Date.
- 7.2 Overseas Students will be sent an email to advise them that they are at risk of defaulting on their course.
- 7.3 If an Overseas Student does not commence studies or arrange for an alternate start date by midday Friday of the second week of classes after the Agreed Starting Date, a course variation will be processed indicating that the student has not commenced studies and their CoE will be cancelled.

8. COMPLAINTS AND APPEALS

- 8.1 If a student requests a Deferment or Suspension these are not subject to the College’s Student Complaints and Appeals Policy.
- 8.2 Exclusion from class is subject to the College’s Student Complaints and Appeals Policy.
- 8.3 College initiated Suspension and Cancellation of enrolment are subject to the College’s Student Complaints and Appeals Policy.

9. INFORMATION REGARDING CHANGES TO VISA STATUS (OVERSEAS STUDENTS ONLY)

Regardless of the reason for Deferment, Suspension or Cancellation of enrolment, Overseas Students must be directed to the Department of Home Affairs website or helpline (131 881) for information on how the potential change to enrolment status may impact upon his or her visa.



10. INFORMING PARENTS OF STUDENTS UNDER 18 YEARS OF AGE

10.1 For all students under 18 years of age the following additional steps apply in the event of either clauses 1, 2, 3, 4, 5, 6 and 7 of this Policy are invoked:

- a) Student Care staff contact the parents/guardian advising that their child/ward's enrolment is at risk of being cancelled.
- b) Parents/guardians are asked to attend an interview at the College. They can send a representative in their place.
- c) At the interview parents/guardians/delegated representatives are advised of the conditions for the student's enrolment to be maintained.
- d) Parents/guardians are advised if the student breaches these conditions and the student's enrolment is cancelled.

10.2 Where the College takes on responsibility under the Migration Regulations for approving the accommodation, support and general welfare arrangements (but not including guardianship) for an Overseas Student who is under 18 years of age, and the College suspends or cancels the enrolment of the Overseas Student, the College will continue to approve the welfare arrangements for that student until:

- a) the student has alternative welfare arrangements approved by another registered provider
- b) care of the student by a parent or nominated relative is approved by Immigration
- c) the student leaves Australia
- d) the College has notified Immigration that it is no longer able to approve the student's welfare arrangements or that it has taken the required action after not being able to contact the student.

11. HOW THE OVERSEAS STUDENT'S CoE WILL BE AFFECTED ON PRISMS WHEN REPORTED

11.1 Where the Deferment or Suspension does not affect the end date of the CoE, there is no change to the CoE or the Overseas Student's enrolment status on PRISMS. The Overseas 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 Home Affairs. This information will be kept for future reference.

11.2 Where the Deferment or Suspension will affect the end date of the CoE, PRISMS will cancel the original CoE, and immediately offer the College the opportunity to create a new CoE with a more appropriate end date. If the College does not know when the Overseas Student will return, it can choose not to create a new CoE at that point, but to wait until the student has notified the College of the intended date of return before creating the new CoE.

11.3 Where the Overseas Student's enrolment is permanently cancelled (terminated) the student's CoE status will be listed as 'cancelled'.



POLICY REVIEW

This Policy will be reviewed as part of the College's three year policy review cycle or as required by regulatory changes.

RELEVANT LEGISLATION

This document references the following legislation, regulations, codes and standards:

Relevant Legislation/codes/standards	
Commonwealth	National Code of Practice for Providers of Education and Training to Overseas Students 2018 (Cth) Education Services for Overseas Students Act 2000 (Cth)

RELATED POLICIES AND PROCEDURES

This Policy references the following College policies and/or procedures:

Related Policies and Procedures	
Policies	Student Complaints and Appeals Policy VET Course Progress Policy ELICOS Course Progress Policy ELICOS Attendance Policy Student Code of Conduct Student Handbook Cancellation and Refund Policy Cancellation, Refund and Re-credit Policy

KEYWORDS

Keywords	Deferment, Suspension, Cancellation, enrolment status, impact on visa, exclusion from class, abandonment of studies, non-commencement of studies
-----------------	--

POLICY OWNER

Policy Owner	Learner Experience Unit
---------------------	-------------------------



POLICY/PROCEDURE HISTORY

Policy History			
Current version	Current version release date	Author	Description of changes
Deferment, Suspension and Cancellation Policy v2.4	February 2014	Sharon Luhr and Carolin Long	Original Document
Deferment, Suspension and Cancellation Policy v2.6	February 2018	Sara Gaudry	Full update in accordance with the Policy and Procedure Template and Guidelines for Drafting Policies and Procedures and National Code.
Deferment, Suspension and Cancellation Policy v2.5R (APC/EU/APC Design School)	February 2021	Sara Gaudry	General revision of content, change of letterhead, addition of APC Design School and removal of APTT.
Deferment, Suspension and Cancellation Policy v2.6R (APC/EU/APC Design School)	May 2021	Sara Gaudry	Removal of reference to VET Attendance Policy which has been made redundant.