



Deferral, Suspension and Cancellation Policy

1 PURPOSE

To provide a documented process for assessing, approving and recording a deferment of the commencement of study or the suspension/cancellation of study for the overseas student, including keeping documentary evidence on the student's file of the assessment of the application. (9.1)

2 SCOPE

This policy applies to American College and all overseas students and enrolling overseas students.

American College may only enable students to defer or temporarily suspend their studies, including granting a leave of absence, during the course through formal agreement in certain limited circumstances, as defined below.

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
- f) Where American College is unable to offer a pre-requisite unit
- g) Marriage of the student or sibling
- h) Unable to pay the fee as per the student agreement



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Student Misconduct: also, misbehaviour, is defined as students who display unacceptable behaviour in accordance with the Student Handbook and Code of Conduct

To ensure all students receive equal opportunity to gain the maximum benefit from their training, any person(s) displaying the following dysfunctional or disruptive behaviour may be asked to leave the 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, American College can defer or temporarily suspend a student's enrolment on the grounds of: ^(9.2)

4.1.2 Compassionate or compelling circumstances,

4.1.3 In addition, American College can suspend or cancel a student's enrolment including, but not limited to, the following factors:

- Student misconduct ^(9.3.1)
- 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 American College against these processes, which are in accordance with Standard 8 (Overseas student visa requirements) ^(9.3.3)
- 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 ^(9.3.2)
- 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 ^(9.6)

4.2 DEFERRAL

Applications for deferral of the commencement of the course must be made by completing an "Application for Leave / Deferral/ Suspension Form (LDS)" with any additional evidence and submitting it to American College Admissions Staff prior to the course commencing.

- a) The LDS Form can be submitted via Email, Mail or in Person.

Once American College has processed the deferral request, 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.



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- b) American College 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 LDS Form with any additional evidence and submitting it to American College International Student Support Officer.

- 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 situation requiring suspension, the submission timeline of 10 working days may be waived by the American College.

Once American College has processed the suspension request, the student will receive a written correspondence of the outcome.

- a) American College 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 LDS Form with any additional evidence and submitting it to American College International Student Support Officer.

- a) The LDS Form can be submitted via Email, Mail or in Person
- b) The International Student Support Officer will then check all information is attached and send the cancellation request to the Campus Manager for review against Policy & Procedures.
- c) The Campus Manager will process the request via PRISMS.

Once American College has processed the cancellation request, the student will receive a written correspondence of the outcome from Customer Service Manager.

- a) If the request is granted, the student will receive a Letter of Release. Once the cancellation has been processed, American College 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 an Application for Leave/ Deferment/ Suspension form (LDS) Form with any additional evidence and submitting it to American College International Student Support Officer.

- Any withdrawal must be done formally with evidence of why the student is withdrawing
- American College has the right to refuse a withdrawal where a student has not completed six (6) months of their principal course
- American College 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 of any description will only 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



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- In this instance the reasons must be documented and recorded to justify this decision
- Should the student wish to withdraw and return to their home country, the student must advise 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 American College, prior to imposing a suspension/cancellation:

- Formal written notification will be provided to the student of the intent and reasons for suspension/cancellation (9.4.1)
- Inform the parent(s)/legal custodian(s) of the student if the student is younger than 18 years of age
- The student will be informed of their right to appeal this decision, as well as the timeframe and process for doing so (9.4.2)
- The student shall have 20 working days to access American College '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.

- In the case of students under the age of 18, a copy of the formal notification will be forwarded to the Parent or Legal Guardian and a resolution formulated
- 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, American College 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 going ahead American College will inform the overseas student regarding the need to immediately contact Immigration for advice on the potential impact to the student's visa.

(9.5.1)

American College will report the change to the overseas student's enrolment as per section 19 of the ESOS Act. (9.5.2)

*American College will not suspend student's studies up to 14 days or (2 weeks), if the student's leave was approved for offshore or onshore and will not record a variation on PRISMS. Student's learning plan will be adjusted accordingly to meet the course requirements.

4.9 GUIDELINES AND IMPLICATIONS OF SUSPENSION OR CANCELLATION

Should a student enrolment be temporarily suspended for a period of 14 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 based compelling and compassionate grounds,
- 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 Department of Home Affairs



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4.10 PROVIDER INITIATED SUSPENSION OR CANCELLATION

- American College may suspend or cancel a student’s enrolment including, but not limited to, on the basis of:
 - misbehaviour by the student (including plagiarism, collusion and cheating)
 - the student’s failure to pay an amount he or she was required to pay the registered provider to undertake or continue the course as stated in the written agreement
 - a breach of course progress or attendance requirements by the overseas student, which will occur in accordance with Standard 8 (Overseas student visa requirements) and as specified in American College’s *Course Progress Policy and Procedures*.
- Standards of behaviour required are outlined in the International Student Handbook.
- Where American College suspends or cancels a student’s enrolment, before imposing a suspension or cancellation American College will inform the student in writing of that intention and the reasons for doing so and advise the overseas student of their right to appeal through the provider’s internal complaints and appeals process, in accordance with Standard 10 (Complaints and appeals), within 20 working days.
- Under no circumstances will 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.

4.11 PROVIDER-INITIATED SUSPENSION OR CANCELLATION OF ENROLMENT

Procedure	Responsibility
<p>A. Suspend student</p> <ul style="list-style-type: none"> • Inform student in writing that they are temporarily suspended because of misbehaviour and that that they will need to continue to attend classes except where behaviour is considered to be such that the student needs to complete work outside of the class. • Notify DET within 14 days of the suspension via a course variation in PRISMS of the suspension as per the instructions in the PRISMS user guide. • Investigate student misbehaviour that led to suspension decision. 	Campus Manager
<p>B. Decide on action and implement decision</p> <ul style="list-style-type: none"> • Arrive at an appropriate decision e.g. issue a warning, charge for any damage caused, request a formal apology or suspend or cancel studies. • Where the decision is to cancel the student’s enrolment, provide the student with a <i>Notice of Intention to Cancel Enrolment Letter</i> informing them of their right to access the <i>Complaints and Appeals Policy and Procedure</i>. • Where the student accesses the Complaints and Appeals process and the decision following the internal appeals process is to cancel the student’s enrolment, DET should be informed via PRISMS. 	Campus Manager



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5 RESPONSIBILITIES

Role within RTO	Area of responsibility
Director	Approval Authority
Director/ Campus Manager	Development/Review
Director/ Campus Manager	Monitoring and Evaluation
Director/ Campus Manager	Compliance
Director	Implementation

All documentation relating to deferment, temporary suspension or cancellation of studies will be held in the student's file and managed by International Student Support Officers.

In addition, any 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 as well as being noted in the Student Management System.

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