

DEFERMENT, SUSPENSION OR CANCELLATION POLICY

INTRODUCTION

In accordance with the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (Standard 9: Deferring, suspending or cancelling the overseas student's enrolment), JMD Business Institute Pty Ltd trading as State Institute of Training (SIT) must manage the enrolment of overseas students and maintain up-to-date enrolment information in the Provider Registration and International Student Management System (PRISMS) database.

SIT must:

- have a documented process for assessing, approving and recording a deferment, suspension or cancellation of study
- notify the overseas student in writing of the intention to suspend or cancel their enrolment
- tell the overseas student to seek advice from the Department of Home Affairs on the potential impact on their visa if enrolment has been deferred, suspended or cancelled
- not let a suspension or cancellation take effect until the overseas student has been given a chance to complete an internal appeals process, unless their health or wellbeing, or the wellbeing of others, is likely to be at risk.

DEFINITIONS

Deferral means postponement of enrolment in, or the continuation of, a program of study for a period of time, initiated by the student.

Withdrawal occurs when discontinuation of a program of study in which the student is enrolled is initiated by the student.

Suspension: To put studies on hold for a specific period. It means when a student, who has already started but has not completed his /her study, is given leave of absence so their training plan is suspended with the clear intention that the student will recommence at an agreed date in the future (i.e. temporary suspension).

Cancellation is when a student is removed from the current students' register at SIT before he/she has formally completed the planned training and other current qualifications. This student will not be eligible for any subsequent courses for which they may also be registered.

Compassionate or compelling circumstances are defined as those which are generally 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:

- i. Serious illness or injury, where a medical certificate states that the student was unable to attend classes;
- ii. Bereavement of close family members such as parents or grandparents (where possible, a death certificate should be provided);
- iii. Major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the student's studies; or

- iv. 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).
- v. where SIT was unable to offer a pre-requisite unit, or the overseas student has failed a prerequisite unit and therefore faces a shortage of relevant units for which they are eligible to enrol.
- vi. Inability to begin studying on course commencement date due to delay in receiving a student visa.

Extenuating circumstances: Relating to welfare of student may include, but are not limited to the following. The student:

- Overseas students health or wellbeing, or the wellbeing of others, is likely to be at risk.
- is missing;
- has medical concerns, severe depression or psychological issues which lead the provider to fear for the student's wellbeing;
- has engaged or threatens to engage in behavior that is reasonably believed to endanger the student or others; or
- is at risk of committing a criminal offence

Any claim of extenuating circumstances are required to be supported by appropriate evidence

POLICY

Student-Initiated Deferrals, Suspensions or Cancellations Of Their Enrolment

SIT is able to defer or suspend the enrolment of an overseas student if there are compassionate or compelling circumstances. SIT must assess the deferral of commencement of study or suspension of study for the overseas student in accordance with its documented procedures for assessing and approving changes to enrolment.

Process

- Students wishing to defer the commencement of studies, suspend their studies or cancel their enrolment must apply to do so in writing to SIT. This can be done using the student deferral/ suspension form or the cancellation application form available from SIT reception and SIT website www.sit.vic.edu.au
- The form can be lodged using any one of the following methods;
In person – Student administration office
By Email - info@sit.vic.edu.au
By Mail- Campus postal address
- Application must be submitted at least 10 working days prior to the requested deferment/suspension date to enable sufficient time for the assessment process.
- If the application is submitted less than 10 working days prior to the requested deferment/suspension date the processing and response may not be available at the

requested time. Therefore, if the student chooses to depart, he/she is at risk of not obtaining approval from the SIT.

- SIT will review the application before making a decision and a written response will be provided within 5 working days after being received by SIT.
- If a deferral, suspension or cancellation is granted then the student will be informed in writing and the request will be processed.
- If the request is denied, the student will be informed in writing and details of the SIT Complaints and Appeals procedure will be provided.
- Requests for suspension will be denied for students who are subject to an intervention strategy, in the process of being cancelled for course progress, in arrears with the payments due (as a result of payment being due under the agreed payment plan) or in breach of the Student Code of Conduct.
- If students have taken unauthorised leave, then they will be recorded as absent. Retrospective deferment or suspension may only be considered in the most exceptional cases. This may be due to medical emergencies and evidence may be required to support the application.
- SIT must maintain record of all Deferments and suspensions.

SIT-initiated deferrals, suspensions or cancellations of enrolment

- SIT may suspend or cancel an overseas student's enrolment on the basis of, but not limited to:
 - misbehaviour by the overseas student;
 - the overseas student's failure to pay the required amount to undertake or continue the course as stated in the written agreement; or
 - a breach of course progress or attendance requirements by the overseas student.
- For any deferral, suspension or cancellation of enrolment initiated by SIT, the overseas student must be given a notice of intention to report and 20 working days to access SIT's internal complaints and appeals process.
- This applies even if an overseas student's misbehaviour is grounds for immediate expulsion, unless the overseas student's health or wellbeing, or the wellbeing of others, is likely to be at risk (as outlined below).
- SIT may proceed with the deferral, suspension, or cancellation after the internal complaints handling and appeals process has been completed – for example, in cases of misbehaviour and non-payment.
- The only time SIT needs to wait for both the internal and external complaints handling and appeals processes to be completed is for course progress and/or attendance breaches.
- The overseas student does not have to be given the opportunity to appeal a SIT-initiated deferral, suspension or cancellation of enrolment when the overseas student's health or wellbeing, or the wellbeing of others, is likely to be at risk. SIT must keep evidence to support this. This may include, but is not limited to when the overseas student:
 - refuses to maintain approved care arrangements, if they are under 18 years of age;
 - is missing;

- has medical concerns, severe depression or psychological issues which lead the provider to fear for the overseas student's wellbeing;
- has engaged or threatens to engage in behaviour that is reasonably believed to endanger the overseas student or others; or
- is at risk of committing a criminal offence.

Effect on Student Visa

SIT must inform overseas students that deferring, suspending or cancelling their enrolment on any grounds may affect their student visa. An international student's visa may be cancelled if the deferral or suspension:

- is due to the conduct of the student
- is for reasons other than compassionate or compelling circumstances
- the compassionate or compelling circumstances which warranted the deferral or suspension of studies cease to exist
- is based on fraudulent evidence or documents given to the registered provider.

Effect on Confirmation of Enrolment (CoE)

SIT must maintain a record of any decisions to defer or suspend an overseas student's enrolment. SIT must notify the Department of Education and Training through PRISMS if it defers or suspends an overseas student's enrolment. Under the Standard 9 of the National Code, there are three possible outcomes for an overseas

student's CoE:

1. SIT notifies the Department of Education and Training through PRISMS that they are deferring or suspending an overseas student's enrolment for a period without affecting the end date of the CoE. There will be no change to the CoE on PRISMS – the overseas student will still be listed as studying. However, the notice of deferment or suspension will be recorded in PRISMS.
2. SIT notifies the Department of Education and Training through PRISMS that they are deferring or suspending an overseas student's enrolment for a period which will affect the end date of the CoE. PRISMS will cancel the original CoE and immediately offer SIT the opportunity to create a new CoE with a more appropriate end date. If SIT 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 overseas student has notified it of the intended date of return before creating a new CoE.
3. SIT notifies the Department of Education and Training through PRISMS that it wishes to permanently cancel (terminate) the overseas student's enrolment. Once this process is complete, the overseas student's CoE status will be listed as 'cancelled'.

Complaints and Appeals

- If the applicant chooses to enact the complaints and appeals process, this must be lodged within 10 working days from the date of issue.

- The decision will be held over until such time as the appeal is heard.
- Students who are already enrolled will thus continue to be enrolled and their course progress will continue to be monitored.
- The suspension or cancellation of the student's enrolment cannot take effect until the appeal process is completed unless there are extenuating circumstances relating the student's welfare.