

## Deferment, Suspension and Cancellation Procedure

<b>Document Name</b>	<b>Deferment, Suspension and Cancellation Procedure</b>		
<b>Approved by</b>	<b>PEO or delegate</b>	<b>Date</b>	<b>29/05/2019</b>
<b>Responsible Officer</b>	Director of Studies Student Services Manager		
<b>This procedure applies to</b>	<b>ECA College</b> (RTO Code 45012; CRICOS Provider Code 02644C) <b>Australasian College of Care Leadership and Management</b> (RTO Code 40829, CRICOS Provider Code 03637E) <b>ECA Graduate Institute</b> (RTO Code 91423, CRICOS Provider Code 03865D)		
<b>Related Documents</b>	Student Handbook Deferment Request Absence of Leave Form Complaints and Appeals Policy and Procedure Deferment, Suspension and Cancellation Policy		
<b>References and Legislation</b>	Standards for Registered Training Organisations (RTOs) 2015 The National Code of Practice for Providers of Education and Training to Overseas Students 2018 Standard 9		
<b>Version</b>	<b>Change description</b>	<b>Approved</b>	<b>Effective Date</b>
V1.5		EGI Compliance Manger	01/03/18
v19.0	Updated for new logo and alignment with ECA Group.	PEO	1/06/19
v19.1	Updated for domestic students	PEO	25/10/19
v21.0	Update CRICOS code	PEO	18/05/21

### 1. Purpose

ECA Group has established this procedure to define the process for international and domestic learners' deferment, suspension or cancelation of their enrolment at ECA Group.

International students are subject to the requirements of the ESOS Act and this procedure is designed to reflect the limitations placed on ECA Group in relation to deferment, suspension or cancellation.

### 2. Scope

This procedure applies to international and domestic student (potential or actual) who are enrolled in Education Centre of Australia Pty Ltd (ECA Group) educational institutions including ECA Graduate Institute (EGI), ECA College (ECAC) and Australasian College of Care Leadership and Management (ACCLM). International students are subject to the requirements of the ESOS Act.

Domestic students' requests for deferment or cancellation will follow these policies and procedures.

### 3. Definitions

Item	Definition
<b>Cancellation</b>	Cancellation is to cancel the learner's enrolment and any associated confirmation of enrolment (CoE).

<b>CoE</b>	A confirmation of enrolment
<b>Compassionate or compelling circumstances</b>	<p>These are generally those circumstances beyond the control of the learner which have an impact upon the learner's course progress or wellbeing. These could include, but are not limited to:</p> <ul style="list-style-type: none"> <li>a) serious illness or injury, where a medical certificate states that the learner was unable to attend classes for a stated period of time;</li> <li>b) bereavement of close family members such as parents or grandparents;</li> <li>c) major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the learner's studies; or</li> <li>d) a traumatic experience which could include: <ul style="list-style-type: none"> <li>• involvement in, or witnessing of a serious accident;</li> <li>• witnessing or being the victim of a serious crime and this has impacted on the learner for a (these cases should be supported by police or psychologists' reports);</li> </ul> </li> <li>e) where ECA Group was unable to offer a pre-requisite unit; or</li> <li>f) inability to begin studying on the course commencement date due to delay in receiving a student visa.</li> </ul>
<b>Deferral</b>	To postpone the start of study or to suspend study during the duration of the CoE.
<b>DESE</b>	Department of Education, Skills and Employment
<b>DHA</b>	Department of Home Affairs
<b>Misbehaviour</b>	Students who display unacceptable behaviour in accordance with the Student Handbook and/or Code of Conduct.
<b>PRISMS</b>	The Provider Registration and International Students Management System that is used for the management of learner enrolment and student visas.
<b>Suspension</b>	Suspension is to suspend the enrolment of a learner for a period of time, after which time the learner may recommence study.

#### 4. Procedure for deferring enrolment (for International and Domestic students as applicable)

4.1. In determining a student request for deferment or suspension ECA Group follows these procedures to approve or refuse student requests.

4.2. ECA Group may defer an international student's enrolment with no change to the end of the CoE. ECA Group notifies DET through PRISMS and records the information.

4.3. ECA Group may defer an international student's enrolment and change the end date of the enrolment - PRISMS will cancel the original CoE and ECA Group may create a new CoE with a more appropriate end date.

##### 4.4. Compassionate or compelling circumstances

Building on definitions in The National Code 2018, ECA defines compassionate or compelling circumstances as situations which are beyond the control of the student and which have an adverse impact on the student's capacity and/or ability to:

- Commence their course on the scheduled start date, student must provide evidence within but within two weeks of that date; or
- Attend scheduled classes for a significant period of time during the enrolment period.

4.5. Such circumstances include, but are not limited to:

- Inability to begin studying at the scheduled date due to the late issue of a student's visa and consequent delay in travel to Australia;
- Serious illness or injury, where a verified medical certificate states that the student was unable to attend on the commencement date and/or for a significant time through the course;

- Bereavement of close family members such as parents, siblings or grandparents (where possible a death certificate should be provided);
- The student recently giving birth, thus preventing commencement on the published start date for a short time or attending classes for a short time (with supporting medical documentation);
- Major political upheaval or natural disaster in the home country preventing their departure for Australia, or requiring their emergency travel to their home country;
- A traumatic experience which could include but is not limited to:
  - Witnessing or involvement in an accident; or
  - Witnessing or being the victim of a crime (these cases should be supported by police or psychologists' reports).
- Where ECA Group is unable to offer a course unit/s and which has impacted on the student's ability to commence classes on the start date and/or attend scheduled classes.

## **5. Evidence for absence of leave Domestic Student application for course extension**

5.1. Domestic students who have commenced their course however feel they require an extension to their course may apply for an extension. Application for extension will require the student to be up to date with their course fees and provide a valid reason for this extension.

## **6. Evidence for absence of leave**

6.1. All applications for leave must be supported by documentary evidence which will vary with regard to the specific circumstances, but could include:

- Relevant DHA visa documents;
- Relevant travel documents;
- Relevant media reports relating to a natural disaster impacting on a student's area of residence;
- A relevant death certificate;
- A birth certificate;
- A police incident report;
- A social worker's report;
- A psychologist's report; and or
- Appropriate medical evidence.

6.2. Medical certificates should comply with the Australian Medical Association's Guidelines for Medical Practitioners on Certificates Certifying Illness – 2011 (<https://ama.com.au/position-statement/ama-guidelines-medical-certificates-2011-revised-2016>). These include:

- Name and address of the medical practitioner issuing the certificate
- Doctor's Medicare provider number (where applicable)
- Name of the patient
- Date on which the examination took place
- Date on which the certificate was issued
- Date(s) on which the patient is or was unfit for attendance
- Supplementary information of assistance to the patient in obtaining the appropriate leave especially where there is a discrepancy in the period for which the certificate is issued and the date of the certificate.

6.3. Certificates from other professionals should include a similar range of information to that required for medical certificates.

6.4. ECA Group may, in reasonable circumstances, seek further information from the medical practitioners or other professionals who issued a certificate provided in support of an application.

6.5. Certificates not written in English must be translated into English by approved NAATI translators.

## **7. Duration of leave or deferment**

7.1. Applications for Leave based on compassionate or compelling circumstances must relate to an inability to attend scheduled classes for a significant period of time during the enrolment period.

- 7.2. ECA Group may decide to cancel the student CoE where, for example, the student fails to comply with the terms of the Leave of Absence.
- 7.3. If the Leave of Absence or a Deferral of Enrolment is for more than 6 months for an international student, DHA may cancel the visa.
- 7.4. When making an application for Leave of Absence international students should check the Department of Home Affairs website, or telephone the Helpline 131 881, or visit the local DHA office for advice on how the potential change to their enrolment status may affect their visa.
- 7.5. In situations where there are significant and ongoing, irregular absences caused by a single verified compassionate and compelling circumstance, the student may be granted Leave of Absence for the aggregated absences for example, a pregnant student experiencing severe recurring, but irregular medical problems requiring rest.
- 7.6. In situations where Leave of Absence is approved for a significant block of class-time, that absence will be administratively processed in accordance with the procedures relating to deferment, suspension or cancellation of study during enrolment, and where applicable the policies and procedures relating to National Code 2017, Standards 9 and 10 relating to course completion and monitoring of course progress.
- 7.7. All approved Leave of Absence exclude the student's non-attendance rate from calculations. The class hours covered by the Leave of Absence will be deducted from the expected class hours for the study period.

## **8. Leave and course completion**

- 8.1. The student's enrolment will be suspended with no extension in their course duration and CoE in cases where:
  - a student's approved Leave of Absence is for a period up to a maximum of four study weeks;
  - where the student has made satisfactory academic progress up to the date of the Leave of Absence;
  - the student has agreed to a study plan during scheduled course breaks and therefore will be able to complete their course within the expected duration:
- 8.2. In cases where student's approved Leave of Absence based on compassionate or compelling circumstances is for a period longer than four study weeks, that international student's enrolment will be suspended with an extension in the course duration and the end date of the CoE.
- 8.3. The period of the temporary suspension and the associated date for expected course duration in these cases will depend on:
  - The student's academic progress to the date of the leave of absence;
  - The length of the course in which the student is enrolled; and
  - The structured sequence of units in the course enrolment dates and schedules.
- 8.4. When assessing applications for leave on grounds of compassionate and compelling circumstances, copies of supporting documents will be kept, together with a record of the decision and the basis for the decision, in the student's file, and recorded in RTO Manager and PRISMS.

## **9. Deferment of commencement of studies**

- 9.1. Applications for deferment of commencement of studies will be recorded and assessed on their merits and on the basis of the provided evidence. The grounds for assessing and determining outcomes for such applications are whether or not compassionate and compelling circumstances prevented their commencement on the scheduled date.
- 9.2. Applications for deferment of commencement of studies will be recorded and assessed by the ECA Group Student Services Manager and determinations will be made by the ECA Group Director of Studies.
- 9.3. If the application is approved, a new date for their commencement of studies will be determined and, as required, a new Letter of Offer and Confirmation of Enrolment will be issued by ECA Group Student Services. Students (directly or through their Agent) will be notified of the decision and informed that deferring enrolment may affect the student visa.

9.4. All necessary entries in the student's file and PRISMS where applicable will be made by ECA Group Student Services, and all documents relating to the application, its determination and associated letters will be filed.

9.5. Where possible, applications for deferment of commencement will be processed and determined within 10 working days of all necessary documentation being provided.

#### **10. Student Misbehaviour**

10.1. Students are expected at all times to behave in an appropriate and considerate manner and these requirements are clearly stated in the ECA Group Student Code of Conduct.

10.2. Depending on the severity of any incident of student misbehaviour, the case will be thoroughly investigated following an initial report of, and/or complaint about, the incident.

10.3. All such complaints will be thoroughly investigated in accordance with ECA Group Complaints and Appeals Policies and Procedures, and, if warranted, in accordance with the ECA Group Critical Incident Policies.

10.4. In the event of nobody making a formal report of or complaint about the occurrence, the Quality Assurance Manager can initiate an inquiry if there are reasonable grounds for assuming serious misbehaviour took place.

10.5. Notwithstanding the previous clauses, Police will be notified in the event of suspected illegal behaviour by a student.

10.6. If a student is found to have committed a serious breach of the Student Code of Conduct it may be decided to either suspend or cancel that student's enrolment.

#### **11. Suspension of Studies (Student Misbehaviour)**

11.1. Reported incidents of student misbehaviour will be investigated and ECA Group may take action to temporarily suspend any students found to have broken the ECA Group Student Code of Conduct.

11.2. The investigation of such incidents will be undertaken by ECA Group Management and decisions relating to specific action including temporary suspension (but not excluding other actions ranging from a reprimand and counselling through to reporting incidents to the police) will be made by the appropriate person in ECA Group.

11.3. All reported incidents of student misbehaviour will be determined on a case by case basis based on evidence. Students will be invited to make oral and/or written representations and will be entitled to have an observer at any investigative interviews and where possible be determined within ten working days.

11.4. In cases where the student is deemed to be a threat to themselves and/or others, ECA Group will process an automatic suspension.

11.5. In all other cases, a suspension of enrolment will not take effect until any internal and external appeal processes are resolved. ECA Group will then act in accordance with the outcome of such Appeal processes.

11.6. Where necessary, and reflecting the period of temporary suspension, a new CoE may be created by ECA Group Student Services for an international student.

11.7. Students will be notified in writing of the outcome of any investigation into their reported misbehaviour, and of any actions to be taken. That letter will inform them that any temporary suspension of enrolment may affect an international student's visa and advise that student to contact DHA for advice. Communication to students will include their right to submit an internal appeal within 20 working days of the receipt of the letter and inform them that their enrolment will not be acted on until the completion of any appeals process.

11.8. Should the student submit an internal appeal, it will be investigated and resolved in accordance with ECA Group's Complaints and Appeals Policies and Procedures.

11.9. Should the student submit an internal appeal and it is rejected, the student will be sent a letter to this effect. This letter will also inform the student of their right to enter the external appeals process with the Overseas Student Ombudsman or any other agency that could review the

case, and that their enrolment will not be suspended or cancelled until the resolution of any appeal submitted.

- 11.10. Depending on the nature and severity of the misbehaviour, the student may or may not be excluded from classes for the duration of any internal and external appeals processes.
- 11.11. If a student's enrolment is temporarily suspended, ECA Group will notify the student of the action, and inform the student, where relevant, that a temporary suspension may affect their student visa.
- 11.12. Necessary entries in the student's file and PRISMS will be made by ECA Group Student Services.
- 11.13. All documents relating to the investigation, its determination and associated letters will be filed by ECA Group Student Services and entered into RTO Manager.
- 11.14. If an international student's enrolment is suspended for a period longer than 28 days, they may be required by the Department of Immigration and Border Protection to return to their home country, depending on the existence or otherwise of special circumstances.

## **12. Cancellation of Enrolment**

- 12.1. ECA Group may cancel the enrolment of a student for the following reasons:
  - Non-commencement of studies.
  - Failure to pay course fees and charges.
  - Unsatisfactory academic progress for international students (breach of visa conditions).
  - Early completion of a course.
  - Approved Leave of Absence for which there is no established date for the student's return to studies.
  - High level (serious) breaches of the ECA Group Student Code of Conduct – academic and/or general conduct.
  - Behaviour deemed to be a serious threat to the health and safety of themselves and/or others (staff, trainers and/or students) in ECA Group.
- 12.2. When ECA Group intends to cancel the enrolment of a student for:
  - The non-payment of fees and charges;
  - Unsatisfactory academic progress for international students (breach of visa conditions);

students will be notified in writing of this intention and informed that they have a right to submit an internal appeal within 20 working days against the intended action. All such appeals will be processed in accordance with the ECA Group's Complaints and Appeals Policies and Procedures. Students will also be informed of their rights to an external appeal, after the internal appeal has been completed, such as through the Overseas Student Ombudsman for international students.
- 12.3. If a student enters the internal and external appeals processes, the enrolment will not be cancelled until the appeals process is resolved in favour of the ECA Group or the student withdraws from the appeals process before its final resolution.
- 12.4. If an international student's enrolment is cancelled, ECA Group will notify the student of the action, and inform them that the cancellation may affect their student visa.
- 12.5. Necessary entries in the student's file and PRISMS where applicable will be made by ECA Group Student Services.
- 12.6. All documents relating to the cancellation of enrolment will be filed by the ECA Group Student Services Manager.