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Deferral - Suspension and Cancellation of Studies Policy and Procedure

Purpose

The purpose of this policy is to outline the circumstances in which a student can defer, suspend, or cancel their enrolment with Shafston college and where Shafston College can initiate the suspension or cancellation of the student's enrolment.

This ensures compliance with Standard 9 of the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018.

Definitions

CoE means Confirmation of Enrolment.

Cancellation means cessation of enrolment in course

DET means Department of Education and Training.

DHA means Department of Home Affairs (DHA).

Deferral means to postpone commencement of studies.

EQI means Education Queensland International (EQI).

Suspension is a temporary postponement of enrolment during course.

PRISMS means Provider Registration and International Student Management System (PRISMS).

Principal Course means where the student visa has been issued for multiple courses, the principal course is the highest-level course of study to be undertaken and is usually the final course of study.

Policy

Requests from students for deferral and suspension of studies will only be granted in compassionate or compelling circumstances which are those 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:

- serious illness or injury, where a medical certificate states that the student was unable to attend classes.
- bereavement of close family members such as parents or grandparents (Where possible a death certificate should be provided).
- major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the student's studies.
- a traumatic experience that has impacted on the student which could include involvement in or witnessing of a serious accident or witnessing or being the victim of a serious crime. Such cases supported by police or psychologists' reports.
- after undertaking ELICOS studies, the student has not/will not meet the English language benchmark required for entry into the desired course, and the college is willing to defer the student's commencement in the course until a later date when the required benchmark is achieved.
- where Shafston College is unable to offer a pre-requisite unit or course.
- inability to begin studying on the course commencement date due to delay in receiving a student visa.

These circumstances are an example of what may be considered compassionate or compelling circumstances; however, each case will be assessed on its individual merits.

- When determining whether compassionate or compelling circumstances exist, Shafston College considers documentary evidence provided to support the claim, and stores copies of these documents in the student's file.
- Where a student-initiated deferral or suspension of enrolment is granted, Shafston College will suspend an enrolment for an agreed period of time - to a maximum of twelve months. If the deferral is required for longer than 12 months, the student's application will be re-assessed. If the suspension period has expired and the student does not return, the student's enrolment will be cancelled.



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- All applications for deferment will be considered within five working days.
- The final decision for assessing and granting a deferment of commencement of studies lies with the Academic Manager. Where a student's request to defer his/her commencement of studies is refused, the student has a right of appeal (see the *College Complaints and Appeals policy and Procedure*).
- Deferment will be recorded on PRISMS within 14 days of being granted if the student is under 18 years of age, and within 31 days if the student is over 18 years of age.
- All records relating to deferrals, suspensions and cancellations will be kept on the student's file. This will include all decisions made.
- This policy is provided to students in the Shafston International College ELICOS Student Handbook, which is provided to students prior to or upon commencement of a course, and also via Shafston's website at <https://shafston.edu/forms-policies-and-procedures/>.

Deferment of commencement of study requested by student

Student enrolment can be deferred, suspended, or cancelled in limited circumstances by Shafston or by the student as per Standard 9 of the National Code 2018. When deferral, suspension or cancellation of enrolment is initiated by Shafston, students have the right to appeal the decision.

Student initiated cancellation of studies

Students may initiate cancellation of their studies at any time during their course.

Students are only permitted to defer or suspend their studies if their application has been approved by the Academic Manager.

Deferrals may only take place before the start date of the course. Once the course has commenced student must apply to suspend their course of study.

The maximum period of deferral is twelve months and the minimum will be dependent on the Shafston academic calendar.

Students who wish to withdraw within six months of their course to transfer to another provider will be processed as per Shafston College Course Transfer Policy and Procedure.

Some examples of circumstances that are not considered compassionate and compelling at Shafston College include:

- Requests for early departure or late return from vacation, including inability to secure cheap flights.
- Leaving early or returning late from holidays in order to attend festivals in the student's home country.
- Returning home to attend family gatherings that occur during term time.

As part of any assessment of a request to defer or temporarily suspend studies, the impact of the request on the student's ability to complete their intended course of study in accordance with their CoE/s and student visa will be considered. Any implications will be communicated to students.

The final decision for assessing and granting a suspension of studies lies with the Academic Manager. Where a student's request to suspend studies is refused, the student has a right of appeal (see *Shafston College Complaints and Appeals policy and procedure*).



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Provider initiated suspension or cancellation

Shafston may defer, suspend, or cancel enrolment in a course on the following grounds:

- student misbehavior or misconduct (including plagiarism, collusion, and cheating).
 - ELICOS students may be excluded from class studies on the grounds of misbehavior by the student. Exclusion will occur as the result of any behaviour identified as resulting in exclusion in Shafston College Code of Conduct. If the college intends to exclude a student from class it will first issue a letter which notifies the student and parents of this intention. The letter will provide details of the reason/s for the intended exclusion, as well as information about how to access Shafston College internal appeals process. (See Shafston College *Complaints and Appeals policy and procedure*).
 - 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 and terms and conditions.
 - when a course or packaged courses are not offered by Shafston.
 - 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 Shafston's Course Progress Policy and Procedures.
 - Student Visa noncompliance.
- Before imposing a suspension or cancellation Shafston 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 twenty 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.
 - Please refer to the *Shafston Academic and General Misconduct Policy* for information relating to student courses of study being deferred, suspended, or cancelled as a decision made by Shafston.
 - Please refer to the Shafston written agreement and terms and conditions for information relating to pre-paid fees for courses that are not offered by Shafston.

Shafston will not initiate the deferral, suspension or cancellation until the appeals process has been finalised.

Visa status

- When there is any deferral, suspension or cancellation action taken under this standard, Shafston College will inform the student of the need to seek advice from DHA on the potential impact on their student visa, as well as the report the change to the overseas student's enrolment under section 19 of the ESOS Act i.e., notification via PRISMS.
- Students are referred to the DHA web site at <https://www.homeaffairs.gov.au/> or Helpline (in Australia 131 881) for information and their local DHA office for advice on how the potential change to enrolment status may impact upon his or her visa.

Procedure

Students are to complete and submit to the Student Support officer the appropriate form or forms and supply supporting documentation to support the request if required.

Applications for deferral, suspension and or cancellation of studies, without supporting documentation, will be denied by Shafston and the student will be required to attend studies or will be marked absent. Full course fees remain payable.

1. Student initiated deferral of enrolment

Step 1- Student support officer Process student request for deferral of enrolment and

- Provide *Application for Deferral Form* on request to students.
- Assist students to complete form as required.



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Step 2 - Assess request for deferral and respond to student

- consider reasons for request for deferral and approve cases that fall within compassionate and compelling circumstances as defined in this policy.
- where the student is less than 18 years of age the college must have written evidence that the student's parent(s)/legal guardian supports the deferral request.
- notify DET through PRISMS that the student will be deferring their enrolment.
- Notify EQI via email of deferral of enrolment and provide supporting documentation (if the student is under eighteen and enrolled in HSP program and Shafston).
- where the deferral is approved, the student and the end date of the CoE is affected, request the admission officer to create a new CoE and update the CAAW letter (if under 18) through PRISMS and sent to the student along with a new written agreement to reflect the new commencement date.
- forward notification of decision within ten working days of receipt of an application.
- student will be required to sign and return new written agreement.
- when request for deferral is approved and does not affect the end date of the CoE (i.e., it is a short period of deferment), although a new CoE will not be required, a notice of deferral will be recorded in PRISMS.
- where the request for deferral is refused, the student will be informed of the decision including the reason for refusal, as well as their right to appeal the decision within twenty working days. The refusal of the request for deferral will be entered into PRISMS and the CoE cancelled. DHA will contact the student regarding the status of their visa.
- refund of fees paid will be made as per Shafston College *Fees, Refunds and Charges Policy*.
- record deferral of enrolment on JobReady.
- include all documentation in the student's file.

2. Student-initiated suspension of enrolment

Step 1- Student support officer Process student request for suspension of studies and

- provide student the *Application for Leave of Absence Form* for request for suspension of studies.
- aid students in completing an Application for Leave of Absence Form as required.
- students wishing to suspend their enrolment must apply in writing to Shafston College a minimum ten (10) working days prior to the requested suspension date. Note, however, that suspension may be granted retrospectively where the student was unable to contact the organisation to inform them of the suspension in their studies e.g., they were involved in a car accident.

Step 2 - Assess request for suspension of studies

- consider reasons for request for suspension.
- where the student is less than 18 years of age written evidence that the student's parent(s)/legal guardian supports the suspension request.
- approve cases that fall within compassionate and compelling circumstances as defined in this policy.
- Notify DET via PRISMS of suspension of enrolment. Where the suspension is approved and does not affect the end date of the CoE (i.e., it is a short period of suspension), although a new CoE will not be required, a notice of suspension will be recorded in PRISMS and sent onto to DHA. CAAW letter (if under 18) must be put on hold.
- Notify EQI via email of suspension of enrolment and provide supporting documentation (if the student is under 18 and enrolled in HSP program and Shafston).



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- where the request for suspension is approved and affects the CoE, request the admission officer to create a new CoE through PRISMS and send to the student, along with a new written agreement for signing to reflect the new CoE.
- if it is unclear when the student will return, wait until the student has advised of the intended date of return before creating a new CoE.
- if the student does not return after a break, it is considered that the student has 'inactively' advised Shafston College that they will not be continuing their studies. the admission officer will notify DET via PRISMS and student's enrolment status is recorded on PRISMS as cancelled.
- Inform student where the request for suspension is refused, including the reason for refusal and of their rights to access the Complaints and Appeals process.
- all decisions on suspension are to be advised to students within 10 working days of receipt of an application.
- record suspension of enrolment on JobReady.
- include all documentation in the student's file.

3. Student-initiated cancellation of enrolment (withdrawal)

Step 1 - Student support officer Process student request for cancellation (withdrawal) and

- Provide student with the *Application for Withdrawal Form*. Application for Withdrawal forms can be accessed from insert student support officer or via Shafston's website at <https://shafston.edu/forms-policies-and-procedures/>.
- Aid students as required to complete an *Application for Withdrawal Form*.
- organise meeting with student and or parent/guardian to discuss reasons for the withdrawal.
- where the student is less than 18 years of age written evidence that the student's parent(s)/legal guardian supports the cancellation request.

Step 2 - Process application for cancellation (withdrawal)

- notify EQI via email of cancellation of enrolment and provide supporting documentation (if the student is under 18 and enrolled in HSP program and Shafston).
- ask admission officer to complete course variation report in PRISMS. This will result in the status of the CoE changing to cancelled.
- include reason for cancellation of enrolment, date enrolment was cancelled and any other relevant information.
- process applicable refunds in accordance with Shafston's *Fees and Refunds Policy and Procedure*.
- ensure that student's financial records are adjusted to take account of the cancellation of enrolment as relevant.
- inform all relevant personnel that the student's enrolment has been cancelled.
- advise student in writing that their enrolment has been cancelled and that DHA has been informed and they will be advised of their change in visa arrangements.
- record cancellation of enrolment on JobReady.
- include all documentation in the student's file.

4. Provider-initiated suspension or cancellation of enrolment

Step 1- Student support officer Process Provider-initiated suspension or cancellation of enrolment

- Inform Academic manager of the students at risk and plan the intervention strategy.
- Inform student in writing that they are temporarily suspended because of misbehavior 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.



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- notify EQI via email of Provider-initiated suspension or cancellation of enrolment and provide supporting documentation (if the student is under 18 and enrolled in HSP program and Shafston).
- where the student is less than 18 years of age written evidence that the student's parent(s)/legal guardian supports the request.
- Investigate student misbehavior that led to suspension decision.
- ask admission officer to 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.

Step 2 - Decide on action and implement decision

- 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 *Notice of Intention to Cancel Enrolment Letter* informing them of their right to access the *Complaints and Appeals Policy and Procedure*.
- where the student accesses the Complaints and Appeals process and the decision following the internal appeals process is to cancel the student's enrolment, ask admission officer to notify DET via PRISMS.
- record provider cancellation of enrolment on JobReady.
- include all documentation in the student's file.

Important information to consider:

Students may request to defer, suspend, or cancel their studies with independent supporting documents on the following grounds:

- serious illness as evidenced by a medical certificate.
- compassionate or compelling circumstances beyond the control of the student, for example bereavement or declared natural disasters.
- after undertaking ELICOS studies, the student has not/will not meet the English language benchmark required for entry into the desired course, and the College is willing to defer the student's commencement in the course until a later date when the required benchmark is achieved.
- circumstances that mean the student must leave Australia for the deferral period. This must be evidenced and accompanied by pre-paid flight tickets
- if payment of full course fees for the period the student wishes to defer has been paid in full, under extenuating circumstances a portion payment of tuition fees may be accepted to secure the students place in the term they wish to defer. This will be solely at the discretion of Shafston.

Supporting documents must be presented *with deferral requests* that:

- result in more than eight weeks break between study.
- result in the course end date being after the Student Visa end date.
- cancelled via PRISMS notifying DHA of non-commencement of studies.

Copies of the following supporting documentation must be attached to the course deferral, suspension, or cancellation form as applicable:

- Medical certificate.
- Death certificate.
- Airline tickets- Please note you must leave Australia at the commencement of the suspension period unless you are too ill to travel.
- Receipt of tuition fees paid. Plus, any other supporting documentation.

Overseas students requesting to transfer prior to completing the first six months of their principal course

Transfer Restrictions as per the National Code 2018:



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Release transfer restrictions apply to a student during all courses they undertake prior to the principal course. For an overseas student to transfer before completing six months of their principal course, the overseas student must obtain a release from their registered provider, except where any of the following occur:

- The releasing registered provider, or the course in which the overseas student is enrolled, has ceased to be registered.
- The releasing registered provider has had a sanction imposed on its registration by the ESOS agency that prevents the overseas student from continuing their course with that registered provider.
- Any government sponsor of the overseas student considers the change to be in the overseas student's best interests and has provided written support for the change. This usually applies where the overseas student's study in Australia is sponsored by the government of another country.

After completing six calendar months of the principal course, an overseas student can transfer without needing to meet one of these conditions.

The Principal Course:

For an overseas student where the student visa has been issued for multiple courses, the principal course is the highest-level course of study to be undertaken and is usually the final course of study. The first six months is calculated as six calendar months from the date an overseas student commences their principal course of study.

In situations where a student has not completed six calendar months of their principal course, Shafston will only consider approving a request for Release if the student can provide a valid enrolment offer letter from the other registered provider and can demonstrate compassionate or compelling circumstances supported by documentary evidence.

The student must maintain their enrolment with Shafston by continuing to attend and participate in classes while their application for Release is being considered.

Upon approval of this application for Release, Shafston will cancel the student's enrolment and all Shafston Confirmation of Enrolments (CoEs) via PRISMS notifying immigration that the student has transferred to another provider.

Shafston strongly recommends that students read the Transfer and Release Policy on Shafston's website and seek advice from the Department of Home Affairs (immigration) prior to submitting this application form.

Shafston may refuse to grant a release to a student if

- the student has not completed six months of their principal course and does not provide evidence of compassionate or compelling circumstances.
- the transfer may jeopardize the student's progression through a package of courses.
- Shafston believes that the transfer request is from an overseas student who has not been genuinely engaging with an intervention strategy with the intention of failing and being released.
- for under 18, if not written confirmation has been received from their legal guardian or parent who supports the transfer; and the receiving registered provider must accept responsibility for approving the under 18 student's accommodation, support, and general welfare arrangements.
- The student has outstanding fees.

Denied Applications

Applications for suspension of studies that are denied due to not fulfilling ALL conditions of this policy will be notified in writing. If the student is unsure of the outcome, Shafston advises students to confirm the application outcome directly with Shafston student support staff.



Students have the right to appeal the decision by submitting further evidence for consideration. Students can appeal through the Shafston internal complaints and appeals process and must do so within 20 working days of the outcome.

Students are required to attend classes and work towards successful completion, if students do not attend, they will be marked absent until their case is approved and if this results in the student not achieving satisfactory attendance (ELICOS students) or academic course progression (VET students) the student will be at risk of being reported to DHA for Student Visa noncompliance. Full course fees remain payable.

Applications for deferral of studies that are denied due to not fulfilling all conditions of this policy will be notified in writing. Shafston also advises students to confirm the application outcome directly with Shafston student support.

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***** END OF POLICY *****

