



# International Student Deferment, Suspension and Cancellation of Study Procedure

<b>Policy supported</b>	International Student Deferment, Suspension and Cancellation of Study Policy
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<b>Related Documents</b>	ESOS Act 2000 National Code of Practice for Providers of Education and Training to Overseas Students 2018 Student Handbook Student Progression and Exclusion Policy Student Progression and Exclusion Procedure Student Complaint and Appeal Policy Student Complaint and Appeal Procedure Refund Policy for International and Domestic Students Refund Procedure for International and Domestic Students Student Course Deferment or Suspension Form (continuing student) Student Course Deferment Request Form (new student) Student Code of Conduct Academic Misconduct Policy Academic Misconduct Procedure

## 1. Purpose

The purpose of this Procedure is to support the ***International Student Deferment, Suspension and Cancellation Policy***. This Policy seeks to provide a framework for assessing, approving and recording deferment of the commencement of study, suspension of study, or cancellation of study for international students at the Australian Institute of Higher Education Pty Ltd (the 'Institute') in line with the requirements of the ESOS Act and National Code.

## 2. Scope

This Procedure applies to all international students enrolled at the Institute, Executive Management, Admissions, Student Services and the Accounts office.

## 3. Definitions

See the ***AIH Glossary of Terms*** for definitions.

## 4. Actions and Responsibilities

All requests for deferrals, suspensions and terminations have to be approved by the Institute's senior management.

International students are advised to contact the Department of Home Affairs regarding the effect any deferment or suspension of studies may have on their student visa prior to formally lodging an application to defer or voluntarily suspend their study.

### 4.1 Fees

#### 4.1.1 Suspension of enrolment

Once a trimester's census date has passed, students requesting suspensions will be required to pay any remaining tuition balance for the trimester they are currently enrolled in. Students will also have to pay for an extra two (2) units, at the time of the suspension request, which will be credited towards the following trimester.

#### 4.1.2 Termination of enrolment

Continuing students who wish to terminate must submit their application before the trimester's census date. Continuing students who apply to terminate their course after the trimester's census date are liable for the whole trimester's fee.

### 4.2 Maximum time

The maximum time allowed for a deferment or voluntary suspension of study is one trimester.

### 4.3 Procedure for international students applying for deferment of commencement of study

- 4.3.1** International students who wish to defer the commencement date of their course must advise the Institute in writing by completing the ***Student Course Deferment Request Form (new student)***. The request form is to be accompanied by documentation clearly demonstrating the compassionate or compelling reasons why the deferment should be granted.
- 4.3.2** In the event that the request for deferment of studies demonstrates compassionate and compelling circumstances (as outlined in the ***International Student Deferment, Suspension and Cancellation Policy***) the Institute will approve the application and, within five (5) working days of receiving the application, advise the student in writing of:
- the decision;
  - the need to seek advice from the Department of Home Affairs in relation to the potential impact of the deferral on the student's visa.
- 4.3.3** The Admissions office will access PRISMS to advise the Department of Home Affairs the period of deferment granted.
- 4.3.4** If the request for deferment of commencement of study does not meet the requirements for compassionate and compelling circumstances (as outlined in the ***International Student Deferment, Suspension and Cancellation Policy***) the Institute will not approve the application and will advise the student in writing within five (5) working days of the reason for the decision. If the student does not agree with the decision and believes there are

compassionate and compelling circumstances, the student has ten (10) working days to access the Institute's complaint and appeal process in accordance with the **Student Complaint and Appeal Policy** and associated Procedure.

- 4.3.5** If the student chooses to access Institute's complaint and appeal process, the Institute will notify the Department of Home Affairs by updating the student's enrolment in PRISMS only where the outcome of the appeal process results in the deferral being granted. If the deferral is granted, the Institute will inform the student of the need to seek advice from the Department of Home Affairs in relation to the potential impact of the deferral on the student's visa.
- 4.3.6** The request for deferment of commencement of study, any accompanying evidence, a copy of the written advice to the student of the decision, and records of any appeal including the outcome, will be placed on the student's file and maintained in accordance with the **Records Management Policy** and associated Procedure.

#### 4.4 Procedure for international students applying for suspension of study

- 4.4.1** International students who wish to suspend their studies will advise Student Services or Admissions in writing and fill in the **Student Course Deferment or Suspension Form (continuing student)** that they wish to apply for a voluntary suspension of their studies. All relevant documentation supporting this request should also be submitted. This should be done before the trimester commences.
- 4.4.2** Accounts will then check to see if the student is still financially liable for tuition fees. If the student has no outstanding fees, and the trimester has not commenced, the student will be asked to pay for two (2) units of fees, which will be credited to the following trimester. However, if the student has decided to not continue studying after the deferment being granted, the payment of fees for two (2) units will be refunded based on the **Refund Policy for International and Domestic Students**.
- 4.4.3** In the event that the request for suspension of studies demonstrates compassionate and compelling circumstances (as outlined in the **International Student Deferment, Suspension and Cancellation Policy**) and the student has paid the relevant fees, the Registrar or delegated nominee will approve the application and, within five (5) working days of the Institute receiving the student's application, the student will be advised in writing by Student Services or Admissions of:
- the decision; and
  - the need to seek advice from the Department of Home Affairs in relation to the potential impact of the suspension on the student's visa.
- 4.4.4** Admissions will access PRISMS to advise the Department of Home Affairs the period of suspension granted.
- 4.4.5** Admissions will ensure that the following tasks are undertaken:
- the student's financial records are adjusted to take account of the period of suspension of studies;
  - e-mail the relevant personnel advising them that the student has suspended their study so that records can be updated, and the student's computer access, e-mail account and library borrowing rights can be suspended until the student recommences their studies;
  - make a diary entry to set a reminder for when the student is due back.

- 4.4.6** If the request for suspension of studies does not demonstrate compassionate and compelling circumstances (as outlined in the ***International Student Deferment, Suspension and Cancellation Policy***), the Principal or delegated nominee will decline the request and, within five (5) working days of the Institute receiving the student's application, will advise the student in writing of the reason for the decision and that the student has ten (10) working days to access the Institute's complaint and appeal process in accordance with the ***Student Complaint and Appeal Policy*** and associated Procedure.
- 4.4.7** If the student chooses to access the Institute's complaint and appeal process, the Institute will notify the Department of Home Affairs by updating the student's enrolment in PRISMS only where the outcome of the appeal process results in the suspension being granted. If the suspension is granted, the Institute will inform the student of the need to seek advice from the Department of Home Affairs in relation to the potential impact of the suspension on the student's visa.
- 4.4.8** The request for voluntary suspension of study, any accompanying evidence and a copy of the written advice to the student of the decision, and records of any appeal including the outcome, will be placed on the student's file and maintained in accordance with the ***Records Management Policy*** and associated Procedure.

## 4.5 Institute-initiated Suspension of Study or Cancellation of Enrolment

The following procedure relates to processing an institute-initiated suspension or cancellation of enrolment pursuant to clause 6.3 of the ***International Student Deferment, Suspension and Cancellation Policy***:

- 4.5.1** The Program Manager, Registrar, Accounts or a delegate will present to the CEO their intention to suspend a student's studies or cancel their enrolment for misconduct or non-payment of fees together with supporting evidence. Further information can be found in the ***Student Code of Conduct*** or the ***Academic Misconduct Policy*** and associated procedure.
- 4.5.2** The CEO will consider the request to suspend the student's studies, and supporting evidence, and advise the relevant staff members of their decision.
- 4.5.3** In the event that the CEO approves the request to suspend a student's studies or cancel their enrolment, the CEO or delegated nominee will write to the student informing them of their intention, the reasons for the decision, the intention to notify the Department of Home Affairs of the change in enrolment status, and advise the student that if they wish to appeal the decision, they have ten (10) working days to access the Institute's complaint and appeal process in accordance with the ***Student Complaint and Appeal Policy*** and associated Procedure.
- 4.5.4** A copy of the letter and supporting evidence along with the documented decision is placed on the student's file.
- 4.5.5** If the student chooses to access the Institute's complaint and appeal process, subject to the extenuating circumstances set out below, the Institute will:
- maintain the student's enrolment until the complaint and appeal process is completed; and
  - not notify the Department of Home Affairs of any change to the student's enrolment status through PRISMS unless the outcome of the appeal process results in the suspension or cancellation proceeding.

Extenuating circumstances are those in which the student's health or wellbeing, or the wellbeing of others, is likely to be at risk. These may include, but are not limited to, where the student:

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

Any claim of extenuating circumstances will need to be supported by appropriate evidence.

**4.5.6** The National Code does not require the Institute to continue providing learning opportunities throughout the ten (10) working days allowed to appeal the decision and during the internal complaint and appeal process. Based on the nature of the misconduct, the Institute will decide, on a case by case basis, whether to:

- allow the student to continue to attend class;
- make alternative study arrangements for the student; or
- deny the student access to study opportunities.

In making such a decision, the Institute will consider whether denying the student learning opportunities throughout the ten (10) day appeal period and the internal complaint and appeal process may disadvantage the student in their subsequent studies, should that process find in their favour.

**4.5.7** If the student:

- chooses not to appeal the suspension of study or cancellation of their enrolment in accordance with the Student Complaint and Appeal Policy and associated Procedure within ten (10) working days of receiving the Institute's decision to suspend the student's study or cancel the student's enrolment; or
- has unsuccessfully exhausted the internal appeal process under the Student Complaint and Appeal Policy and associated Procedure,

the suspension of study or cancellation of enrolment will be formally processed and Admissions will access PRISMS to advise the Department of Home Affairs of the change in the student's enrolment in accordance with section 19 of the ESOS Act. Note, that the Institute does not have to wait for the outcome of an external appeal before notifying the Department of Home Affairs of the change to the student's study status.

**4.5.8** Admissions will ensure that the following tasks are undertaken:

- the student's financial records are adjusted to take account of the period of suspension or cancellation of enrolment, if applicable;
- e-mail the relevant personnel advising them that the student's studies have been suspended or their enrolment has been cancelled so that records can be updated, the student's computer access and e-mail;
- account and library borrowing rights are suspended (until the student recommences their studies) or cancelled, as applicable;
- make a diary entry to set a reminder for when the student is due back, if applicable.

Note: If the Institute notifies the Department of Home Affairs through PRISMS that a student's studies have been suspended for a significant period, the student may be required to return to their home country unless special circumstances exist (for example, the student is

medically unfit to travel). While the Institute determines the studying status of the student, it is the Department of Home Affairs who decides whether the student may remain in Australia or must return home. The Department of Home Affairs policy is that if a student's studies are suspended for a period of 28 days or longer, the student must return home (unless special circumstances exist).

## 4.6 Not Meeting Conditional Offer Requirements

When a prospective international student receives an Institute Conditional Offer based on providing evidence of educational and/or English entry requirements, and has been unable to provide evidence by the scheduled intake date, the following will occur:

1. The prospective international student's original course intake date may be deferred to the next trimester's intake date provided that the required evidence of educational entry requirements is submitted prior to that trimester's intake date. In this instance, all prepaid student fees for the Institute course will be transferred to the new intake start date and students will be required to extend their student visa to accommodate the revised end date of their studies.
2. If after one trimester of deferment, the prospective student has still not achieved the required educational entry requirements, the Institute may withdraw the Conditional Offer and provide students with a refund, based on the **Refund Policy for International and Domestic Students**, except the enrolment fee (please refer to 4.1). This will allow the student to find alternative study arrangements with the conditions of the Institute's **Refund Policy for International and Domestic Students** implemented. The Institute may also defer the student for another trimester with a prepayment of four (4) units of tuition fees which will be fully credited to the trimester when the student commences.

## 5. Version Control

This Procedure has been endorsed by the Australian of Higher Education Principal as at September 2020 and is reviewed every three (3) years. The Procedure is published and available on the Australian Institute of Higher Education website <http://www.aih.nsw.edu.au/> under 'Policies and Procedures'.

<b>Change and Version Control</b>				
<b>Version</b>	<b>Authored by</b>	<b>Brief Description of the changes</b>	<b>Date Approved:</b>	<b>Effective Date:</b>
2016-2	Registrar	Updated template	6 July 2016	6 August 2016
2017-1	Ms. McCoy	Restructured document; added box to beginning Revised/edited content	1 March 2017	6 March 2017
2017-2	Registrar	Updated to reflect change in the National Code.	15 December 2017	16 December 2017
2019-1	Principal	Updated the Policy Owner from CEO to Principal. Updated 4.4.7 and 4.3.5.	27 September 2019	30 September 2019
2020.1	Academic Success Manager/Chief Executive Officer	Minor updates: formatting and proofed for student comprehension.	24 September 2020	25 September 2020