



## **Student Deferment, Suspension and Cancellation of Study Policy and Procedure**

Under the requirements of the ESOS Act and National Code, if an international student has enrolled in a course at the Crown Institute of Business and Technology (CIBT) they are not permitted to defer commencement of their studies, or suspend their studies, except on the grounds of illness evidenced by a doctor's certificate, or other exceptional compassionate circumstances beyond the control of the student. If a student defers or suspends their studies on any other grounds, CIBT must report the student to DHA via PRISMS, as not complying with visa conditions.

Also, CIBT may suspend or cancel a student's studies on the basis of misconduct.

This policy and procedure is designed to provide a procedure for assessing, approving and recording deferment of the commencement of study, suspension of study or cancellation of study for International students.

### **Student-Initiated Application for Deferment or Suspension of Study or cancellation of enrolment:**

International students may apply to defer their studies if they are unable to commence their course on the scheduled commencement date or for voluntary suspension of their studies if they are unable to attend the course for a specified period of time, in compassionate or compelling circumstances.

Compassionate or compelling circumstances are generally those beyond the control of the student and which are likely to have an impact upon the student's course progress or wellbeing and could include, but are not limited to:

- serious illness or injury, where a medical certificate states that the student will be unable to attend classes;
- death or illness of close family members such as parents or grandparents (where possible, a doctor's or death certificate should be provided);
- major political upheaval or natural disaster in the international student's home country requiring emergency travel and this has impacted, or will impact, on the student's studies;
- 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 psychologist's reports);
- Where CIBT was unable to offer a pre-requisite unit;
- Inability to begin studying on the course commencement date due to delay in receiving a student visa.



International students may also defer or suspend their studies with CIBT for other reasons; however, the student will be required to provide compelling documentary evidence to support their request.

International students are advised of the circumstances and consequences regarding deferment or suspension of study prior to enrolment and during the student orientation process. International students applying to defer or suspend their studies will be reminded that a successful application may affect their student visa. International students are advised to contact DIBP 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.

The maximum time allowed for a deferment or voluntary suspension of study is six months.

**Procedure:**

1. The following procedure applies to international students applying for a deferment of commencement of study:
  - 1.1 International students who wish to defer the commencement date of their course must advise CIBT in writing of their request (suspension and deferral form) accompanied by documentation clearly demonstrating the compassionate or compelling reasons why the deferment should be granted. Student must see Compliance Manager along with suspension/deferral form and sufficient evidence.
  - 1.2 In the event that the request for deferment of studies demonstrates compassionate and compelling circumstances (as outlined above) CIBT will approve the application and advise the student in writing of the decision within 5 working days.
  - 1.3 The Administration Manager will access PRISMS to advise DHA the period of deferment granted.
  - 1.4 If the request for deferment of commencement of study does not meet the requirements for compassionate and compelling circumstances (as outlined above) CIBT will not approve the application and will advise the student in writing within 5 working days of the reason for the decision and that the student has 20 working days to appeal the decision through CIBT's complaints and appeal handling procedures.
  - 1.5 If the student chooses to access CIBT's complaints and appeal process, the student's enrolment will be maintained until the complaints and appeal process is completed and CIBT will not notify DHA of any change to the student's enrolment status.
  - 1.6 The request for deferment of commencement of study, any accompanying evidence and a copy of the written advice to the student of the decision will be placed on the student's file.



- 2 The following procedure applies to international students requesting a voluntary suspension of their study:
  - 2.1 International students who wish to suspend their studies will advise Compliance Manager in writing that they wish to apply for a voluntary suspension of their studies. The Compliance Manager will make an appointment to meet with the student to discuss their request. The Compliance Manager will also advise the student if there are any fees owing and discuss how payment will be settled. The Compliance Manager will also check to see if there are any books or other items on loan to the student and make arrangements for their return.
  - 2.2 In the event that the request for suspension of studies demonstrates compassionate and compelling circumstances (as outlined above) the Compliance Manager will approve the application and will advise the student in writing of the decision within 5 working days.
  - 2.3 The Administration Manager will access PRISMS to advise DHA the period of suspension granted.
  - 2.4 The Compliance Manager 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, the student's computer access will be suspended until the student recommences their studies;
    - ensure that appropriate documentary evidence is placed on the student file with the request
    - make a diary entry to set a reminder for when the student is due back.
  - 2.5 If the request for suspension of studies does not demonstrate compassionate and compelling circumstances (as outlined above) the Compliance Manager will not approve the request and will advise the student in writing within 5 working days of the reason for the decision and that the student has 20 working days to appeal the decision through CIBT's complaints and appeal handling procedures.
  - 2.6 If the student chooses to access CIBT's complaints and appeal process, CIBT will maintain the student's enrolment until the complaints and appeal process is completed and CIBT will not notify DHA of any change to the student's enrolment status through PRISMS.
  - 2.7 The request for voluntary suspension of study, any accompanying evidence and a copy of the written advice to the student of the decision will be placed on the student's file.



## **Institution-Initiated Suspension of Study or Cancellation of Enrolment**

All international students are subject to the potential for Institution-initiated suspension of study or cancellation of enrolment for both academic and non-academic misconduct. Note that suspension due to unsatisfactory academic performance is covered by the CIBT Course Progress Policy and Procedure and suspension due to unsatisfactory attendance is covered by CIBT attendance policy.

International students will have been made aware of the circumstances in which their studies may be suspended for misconduct prior to enrolment and during student orientation.

### **Procedure:**

The following procedure relates to processing an Institution-initiated suspension or cancellation of enrolment:

- 1 The Compliance Manager may consider suspending a student's studies or canceling their enrolment for misconduct together with supporting evidence;
- 2 The Compliance Manager will collect supporting evidence, to make their decision.
- 3 In the event that the Compliance Manager approves the request to suspend a student's studies or cancel their enrolment, CIBT will write to the student informing them of their intention to suspend or cancel the student's enrolment, the reasons for the decision, the intention to notify DHA of the change in enrolment status, and advice to the student that if they wish to appeal the decision, they have 20 working days to access CIBT's complaints and appeal handling procedure.
- 4 A copy of the letter and supporting evidence along with the Compliance Manager's documented decision is placed on the student's file.
- 5 If the student chooses to access CIBT's complaints and appeal procedure, CIBT will maintain the student's enrolment until the internal complaints and appeal process is completed and will not notify DHA of any change to the student's enrolment status through PRISMS, except in extenuating circumstances relating to the welfare of the student.

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

- is missing;
- has medical concerns, severe depression or psychological issues which lead CIBT 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.



- 6 The National Code does not require CIBT to continue providing learning opportunities throughout the 20 working days allowed to appeal the decision and during the internal complaints and appeal process. Based on the nature of the misconduct, CIBT will decide, on a case by case basis, whether to allow the student to continue to attend class, or make alternative study arrangements for the student, or to deny the student access to study opportunities. In making such a decision CIBT will consider whether denying the student learning opportunities throughout the 20 day appeal period and during the internal complaints and appeal process may disadvantage the student in their subsequent studies should the complaints and appeal process find in their favour.
- 7 If the student chooses not to challenge the suspension of study or cancellation of their enrolment, or has unsuccessfully exhausted all internal appeal processes the suspension of study or cancellation of enrolment will be formally processed and the Administration Manager will access PRISMS to advise DHA of the change in the student's enrolment. Note that CIBT does not have to wait for the outcome of an external appeal before notifying DHA of the change to the student's study status.
- 8 The Compliance Manager 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 students 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 CIBT notifies DHA through PRISMS that a student's studies have been suspended for a significant period, the student must return to their home country unless special circumstances exist (for example, the student is medically unfit to travel). While CIBT determines the studying status of the student, it is DIBP who decides whether the student may remain in Australia or must return home. DIBP's 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).



## Extension of Duration of Studies

Some students who have been suspended or deferred their studies may require an extension to the duration to complete their course if they cannot complete the course requirements as specified on the Confirmation of Enrolment as a result of;

- Compassionate or compelling circumstances (such as illness where medical certificates state that the student was unable to attend classes or where the registered provider was unable to offer a pre-requisite unit)
- CIBT implementing its intervention strategy for students were not able to meet satisfactory course progress
- An approved deferment or suspension of study has been granted under National Code Standard 9.

Where the suspension or deferment has resulted in a variation in the student's enrolment load, which may affect the student's expected duration of study in accordance with National Code, CIBT is to record this variation and the reasons for it on the student file. CIBT will report the student via PRISMS and/or issue a new COE when the student can only account for the variation by extending his/her expected duration of study.

Except in circumstances as specified above, the expected duration of study specified in the student's COE must not exceed the CRICOS registered course duration.

**Compassionate or compelling circumstances** are generally those beyond the control of the student and which have an impact upon the student's course progress or wellbeing. These could include:

- 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;
- major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the student's studies;

Or

A traumatic experience which could include:

- involvement in, or witnessing of a serious accident; and
- 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)



Please note that the above are some examples of what CIBT may consider compassionate or compelling circumstances. CIBT will use professional judgment and to assess each case on its individual merits. When determining whether compassionate or compelling circumstances exist, CIBT considers documentary evidence provided to support the claim by individual students, and keeps copies of these documents in the student's file.