

Deferral, suspension or cancellation of study policy

Purpose

The purpose of this document is to ensure that all students and staff are aware of the policy and procedures relating to the deferral, suspension or cancellation of an overseas student's enrolment. This policy has been developed in accordance with Standard 9 of the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 (the National Code 2018).

Scope

This policy applies to all students who are enrolled in an ELICOS course at ELC.

Background

- **Deferral** means the postponement of the commencement of the student's course of study, which may encompass more than one English course.
- **Suspension** means the postponement of a student's course after commencement for a specific period of time.
- **Cancellation** means the termination of a student's course of study, which may encompass more than one English course.

International students are advised of the circumstances and consequences regarding deferment, suspension or cancellation of study, prior to enrolment and during the student orientation process.

Policy

1.1 Deferral

ELC recognises that students may need to defer their course of study prior to commencement. ELC may allow a student to defer course commencement in circumstances including but not limited to:

- a) If the student provides ELC with at least four weeks' written notice before the commencement of the course.
- b) if the student is unable to begin studying on the course commencement date, due to a delay in receiving a student visa.
- c) If compassionate or compelling circumstances apply to the student's situation such as:
 - an extreme health situation (evidenced by a medical certificate)

- bereavement of an immediate family member (parent or sibling) (evidenced by a death certificate)
- emergency or traumatic experience. Evidence must be provided to support a request for release in this situation.

Refer to ELC's compelling and compassionate circumstances policy for full details.

A student request for deferral will need to be supported by supporting documentation in relation to a student visa delay or compassionate and compelling circumstances and:

- If the student is government sponsored: Written authorised support for the deferral request from the Government sponsor.
- If the student is under 18 years of age: Written evidence that the student's parent or legal custodian supports the deferral request.

Students are reminded through this policy document and the ELC Terms and Conditions that if a deferral request is granted:

- The student will need to check with DHA the implications of deferring on a student visa.
- Depending on the notice time of the deferral request accommodation fees may still apply.
- Any increase in fees applicable to the later tuition period may apply.

Deferment, suspension and cancellation may affect a student's visa and ELC must report by maintaining updated information in the Provider Registration and International Student Management System (PRISMS) database. If a student defers or suspends their studies on any other grounds, ELC must report the student via PRISMS, as not complying with visa conditions.

1.2 Procedure to apply for a course deferral

- The student must complete a deferral request form
- The student must provide evidence to support their request as relevant
- The student will be informed within 3 working days of the outcome of their request
- If the request is granted the student is informed that deferring his or her enrolment may affect his or her student visa.
- Enrolment details are updated in STARS
- The Enrolments officer must notify DHA via PRISMS.

2. Suspension

2.1 Suspension by the student

Once a student has commenced their course of study a request for suspension of study from the student will only be considered in compassionate or compelling circumstances*.

Depending on the unique situation in relation to compassionate or compelling circumstances the student may:

- Be placed on a study break (holiday) in accordance with ELC's holiday policy
- If they are remaining in Australia, suspend their course for a maximum of 4 weeks at one time, after which time they will need to request a further suspension (but see below in yellow – this is from ELC career college policy which suggests a month is the max the student can be in the country if suspended)
- If they are returning to their home country, suspend their course for a maximum of 8 weeks providing they are able to provide flight departure and return flight details
- If they are returning to their home country and do not know when they are likely to return, they cannot suspend their course. Their CoE will be cancelled and a credit note applied to continue their course in the future

For those students who have commenced their courses, and have subsequently been permitted to suspend their course, and who fail to return by the maximum deferral periods outlined above, the remainder of their course is to be cancelled unless further deferral is expressly authorised by ELC. Remaining tuition fees are not refundable under these circumstances.

Note: If ELC 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 ELC determines the studying status of the student, it is DHA who decides whether the student may remain in Australia or must return home. DHA'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.

2.2 Procedure to apply for a course suspension

- The student must complete a request for suspension of study form
- The student must provide evidence to support their grounds for the request and provide and flight details as relevant.

- The student will be informed within 3 working days of the outcome of their request
- If the request is granted the student is informed that suspending his or her enrolment may affect his or her student visa.
- The Enrolments officer must notify DHA via PRISMS.
- If the student cannot provide a confirmed return date to study, the CoE will be cancelled and DHA informed. A credit note will be issued.

2.3 Suspension by the provider

ELC may initiate a suspension of a student's enrolment only if the student's behaviour is in breach of ELC's code of conduct. See below under 'cancellation by the provider' actions ELC will take before imposing a suspension. This policy should be read in conjunction with ELC's code of conduct.

3. Cancellation

3.1 Cancellation by the student

Students may request to shorten or cancel their course prior to or after course commencement. However, students are reminded that they cannot apply to transfer to another school within the first 6 months of their principal course, except in very limited circumstances. ELC's transfer policy will apply.

3.2 Procedure to apply for a course cancellation

- The student must complete a course cancellation form
- If prior to commencement, financial penalties will be applied as outlined in the ELC conditions of enrolment prior to any refund being made
- After course commencement no refund is payable in case of course cancellation
- If the student is on a student visa and is within the first 6 months of their principal course they must complete a release request form. Refer to ELC's transfer policy for further details
- If the release request is granted the student is informed that transferring his or her enrolment may affect his or her student visa.
- The Enrolments officer must notify DHA via PRISMS.
- Enrolment details are updated in STARS

3.3 Cancellation by the provider

ELC reserves the right to initiate cancellation of an enrolment on the following grounds:

- The student has failed to commence their course
- The student has failed to pay outstanding course fees
- The student has failed to maintain satisfactory course progress and/or attendance and, thereby, breached a condition of his or her student visa
- The student's behaviour is in breach of ELC's code of conduct
- A student who is under 18 years of age, refuses to maintain his or her approved care arrangements without sufficient reason acceptable to ELC

Before imposing a cancellation ELC will:

- provide fair and reasonable warnings to a student for not meeting one of the above listed requirements in the maintenance of their enrolment where such a warning is appropriate
- inform students of that intention and the reasons for doing so in writing
- advise students of their right to appeal through the ELC's internal complaints and appeals process, within 20 working days.

If a student's enrolment is cancelled by ELC due to any of the above reasons, no refund of tuition fees is payable in accordance with ELC's Conditions of Enrolment.

4. The right to appeal

Students will have 20 working days to access the internal appeals process and, in those cases in which it applies, 10 working days to access the external appeals process.

Students have the right to appeal a decision by ELC to defer, suspend or cancel their studies. Except in extenuating circumstances relating to the welfare of the student or other students or staff*, the enrolment of the student will be maintained throughout the internal and any external appeals process period.

*Extenuating circumstances (supported by appropriate evidence) may include, but are not limited to the following. The student:

- is missing
- has medical concerns, severe depression or psychological issues which lead ELC 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
- is at risk of committing a criminal offense

ELC will not notify DHA through PRISMS of a change to the enrolment status until the internal complaints and appeals process is completed along with any external appeal in such cases, except in cases of misconduct as identified above.

5. Student visa implications of deferral, suspension or cancellation of courses

International students applying to defer, suspend or cancel their studies will be reminded that a successful application may affect their student visa. ELC will notify DHA via PRISMS of any deferral, suspension or cancellation of an overseas student's enrolment. International students are advised to contact DHA regarding the effect any deferral, suspension or cancellation of studies, may have on their student visa prior to formally lodging an application to defer or voluntary suspend their study.

Any deferral, suspension or cancellation of a student's enrolment by ELC must be approved by the Student Services Manager.

In all cases of deferment, suspension or cancellation of a student's enrolment by ELC or by the student themselves, records will be maintained of all communications and other relevant information, such as written evidence of compelling and compassionate circumstances.

This policy should be read in conjunction with:

- Compelling and compassionate circumstances policy
- Holiday policy
- Attendance and course progress policy
- Student code of conduct
- Transfer policy
- Complaints and appeals policy
- Terms and conditions of enrolment