

# Sydney College of Professional Education Pty Ltd

RTO Code: XXXXXX | CRICOS Provider Code XXXXXX

## Deferral Suspension & Cancellation

### POLICY

This policy provides guidance to Sydney College of Professional Education (SCPE) staff on the policy, process and eligibility and requirements for deferral, suspension, and cancellation of student's enrolment. The policy also provides guidelines how the SCPE staff will assess, approve, and record students' deferment / suspension / cancellation of study. Deferral, suspension and cancellation are only applicable to students who have enrolled and have an offer and electronic confirmation of enrolment (eCoE) from SCPE. If the individual does not have eCOE, the current Policy is not applicable.

### National Code 2018 Requirements

#### Standard 9 – National Code 2018

##### Deferring, suspending or cancelling the overseas student's enrolment

- 9.1 A registered provider must have and implement a documented process for assessing, approving and recording a deferment of the commencement of study or suspension of study requested by an overseas student, including maintaining a record of any decisions.
- 9.2 A registered provider may **defer or suspend** the enrolment of a student if it believes there are compassionate or compelling circumstances.
- 9.3 A registered provider may suspend or cancel a student's enrolment including, but not limited to, on the basis of:
- 9.3.1 misbehaviour by the student
  - 9.3.2 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
  - 9.3.3 a breach of course progress or attendance requirements by the overseas student, which must occur in accordance with Standard 8 (Overseas student visa requirements).
- 9.4 If the registered provider initiates a suspension or cancellation of the overseas student's enrolment, before imposing a suspension or cancellation the registered provider must:
- 9.4.1 inform the overseas student of that intention and the reasons for doing so, in writing
  - 9.4.2 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 20 working days.
- 9.5 When there is any deferral, suspension or cancellation action taken under this standard, the registered provider must:
- 9.5.1 inform the overseas student of the need to seek advice from Immigration on the potential impact on his or her student visa
  - 9.5.2 report the change to the overseas student's enrolment under section **19 of the ESOS Act**.
- 9.6 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.

### Associated Documents

## Deferral Suspension & Cancellation

- Deferral, suspension and cancellation Policy & Process (Student Version)
- Deferral, suspension and cancellation Policy & Process (Staff Version)
- Deferral, suspension and cancellation Form (to be completed by the Student)
- Outcome Letter (To be completed by **the CEO** confirming outcome of Suspension, Deferment, Cancellation of enrolment along with reasons and applicability of appeal processes)

### DEFINITIONS

**Deferral / deferment:** to delay the commencement of the course

**Suspension:** to temporarily put a hold on studies

**Cancellation:** to cease enrolment permanently

Students must apply in writing by completing the appropriate form (available from Student Services or from our website).

**eCoE:** Electronic confirmation of Enrolment

**PRISMS:** Provider Registration and International Student Management System

**Non- genuine/ non-bona fide student:** A non- genuine/ non-bona fide student is defined by SCPE as a student with erratic (irregular/ inconsistent) course progress or does not progress in their course and does not attend and participate in regular classes.

Erratic course progress will be taken as a potential indication of a student being **non-bona fide**. SCPE specifically defines Erratic course progress as:

- 1) Not showing up on classes for consecutive 3-weeks without notifying (deferring, suspending or cancelling) one's enrolment (class participation).
- 2) In addition to the point 1, student has not attempted to contact college or respond to SCPE communication at all.
- 3) In addition to either point 1 or 2, the student has not paid the due SCPE fees.

### Deferral, suspension, and cancellation – Initiation

Deferment, Suspension and cancellation of study can be *initiated by the Student and by education provider*. Students who have their enrolment deferred / suspended / cancelled due to their own request and / or initiated by SCPE are subject to the rules of the refund policy regarding any *refund of fees* as per the **Written agreement** the student has signed with SCPE.

### Deferment, suspension, and cancellation – Approval

Although, most SCPE staff members can receive the deferment, cancellation & suspension form from students, but only **the CEO** must make the final approval decision on **PRISMS**.

***Deferring the commencement of Studies requested by Overseas Student***

Students can only apply to SCPE for deferment of their studies based on **compassionate or compelling circumstances** (see Table below).

**Table 1**

**What are Compassionate or compelling circumstances?**

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, 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; or
- 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 psychologists’ reports);
- where the registered provider was unable to offer a pre-requisite unit; or
- inability to begin studying on the course commencement date due to delay in receiving a student visa.

**Note:** Students are to note that the above are only some of examples of what may be considered compassionate or compelling circumstances. SCPE will use their professional judgement to assess each case on its individual merits. When determining whether compassionate or compelling circumstances exist, **SCPE** will consider documentary evidence and contextual information in support of the claimant will keep copies of submitted documents in the student’s file.

***Process for Deferment application***

Deferral or deferment means to delay the commencement of course.

Students must request a deferral **before the course commencement date** (eCoE start date) in writing by filling out the Form. The **Student Deferment, suspension and cancellation form** is available on SCPE website or can be requested by SCPE via email or phone. The Deferment is to be addressed to the CEO. All supporting documents are to be submitted along with reasons for the application. If the deferral is approved, the student will receive a revised Letter of Offer, eCoE and deferment approval letter along with any conditions (if any).

All applications for deferment will be considered and the outcome decision provided in writing to the student within **10 working days** from the date of application. Students are notified of the deferment decision which will be recorded on PRISMS and the student file. SCPE will report the change to the overseas student's enrolment under **section 19 of the ESOS Act**. If the student application is granted, SCPE informs the overseas student of the need to seek advice from Immigration on the potential impact on his or her student visa.

SCPE may choose to grant or decline any student’s request for deferment of course commencement. The Outcome of the deferment will depend upon circumstances and the evidence presented by the student. SCPE will use professional judgement to assess each case on its individual merits.

Students who receive a negative decision on the deferment application are informed of their right to appeal through SCPE’s internal complaints and appeals process within **20 working days**. The appeal will be addressed in accordance with SCPE’s **Complaints and Appeals** policy & process.

### ***Temporary suspension of studies requested by the overseas student***

It is important to note the meaning of the terms for this context – suspension of enrolment is not necessarily due to student's breach / misbehaviour – suspension of enrolment *in the following case is initiated* by the student.

Once the student course has commenced, SCPE will only put hold on current study based on compassionate and compelling circumstances. These circumstances include but are not limited to:

- Illness, where a medical certificate states that the student is 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.
- A traumatic experience which has impacted on the student affecting student's ability to attend classes and maintain course progress (these cases should be, where possible, supported by police or psychologists' report).
- The student may request a suspension of enrolment due to unavailability of units, as this could be considered a compelling reason for suspending enrolment.

### ***Process for Suspending current studies***

If students apply to suspend their studies the maximum allowable period of suspension is **six (6) months**.

Students must request a temporary suspension of the course on or after the course commencement date in **writing** and by filling out the Form. All supporting documents are to be submitted along with reasons for the application.

The **Student Deferment, suspension and cancellation form** is available on SCPE website or can be requested by SCPE via email or phone. The suspension is to be addressed to the CEO. If the suspension is approved, the student will receive a revised Letter of Offer, eCoE and suspension approval letter along with conditions (if any).

All applications for suspension will be considered on individual basis and the decision will be provided in writing to the student within **10 working days** from the date of application. Suspension decision will be recorded on **PRISMS** and the student file. If the student application is granted, SCPE informs the overseas student of the need to seek advice from Immigration on the potential impact on his or her student visa. SCPE will report the change to the overseas student's enrolment under **section 19 of the ESOS Act on PRISMS**.

SCPE may choose to grant or decline any student's request for *suspension*. The Outcome of the suspension will depend upon circumstances and the evidence presented by the student. SCPE will use professional judgement to assess each case on its individual merits.

Students who receive a negative decision on the suspension application are informed of their right to appeal through SCPE's internal complaints and appeals process within **20 working days**. The appeal will be addressed in accordance with SCPE's Complaints and appeals policy and process. The suspension of the overseas student's enrolment cannot take effect until the internal appeals process is completed.

If suspension is approved, the period of suspension will **not** be included in class attendance and course progress calculations. Students may be required to apply for a visa extension to continue their course based on their individual case and eCoE and visa duration.

### ***Cancellation requested by the Student***

Cancellation of studies means to cease enrolment permanently. The student can notify cessation of studies by completing the **Student Deferment, suspension and cancellation form** which is available on SCPE website. The student needs to submit supporting evidence with the application. The student may request the cancellation under the following circumstances but not limited to:

- If the Student wishes to return to their home country for good and can produce substantial supporting evidence.
- If the Student has gone overseas and retrospectively notifies SCPE that the student is not returning to Australia for studies due to certain compelling and compassionate circumstances. Generally, SCPE will not authorise and report a deferment or suspension retrospectively unless there are compelling circumstances where the student is not able to return.
- If the student has changed their student visa to a different kind of visa can produce substantial supporting evidence.
- If the student visa is cancelled by immigration due to decisions outside and beyond SCPE.
- Due to another scenario where by the student wishes to cease their current and future enrolments permanently can produce substantial supporting evidence.
- The student may decide to change the provider after completing **6-months** of their principal course. SCPE will assess the student cancellation by following its **Students Transfer Policy**. The student needs to complete request for a *release letter* along with study cancellation.

All applications for cancellation will be considered and the outcome decision provided in writing to the student within **10 working days** from the date of application.

If the student application is granted, SCPE informs the overseas student of the need to seek advice from Immigration on the potential impact on his or her student visa. SCPE will report the change to the overseas student's enrolment under **section 19 of the ESOS Act** by cancelling the student enrolment in **PRISMS**. All documentation including cancellation reasons will be kept on the student file.

INSTITUTE

### ***Suspensions or Cancellations initiated by SCPE***

SCPE can suspend or cancel a student's enrolment against the student's wishes, provided that the suspension or cancellation are consistent with SCPE policies and/or **National Code 2018**. Students who have their enrolment suspended/cancelled by SCPE are subject to the rules of the refund policy regarding any refund of fees as per the Written agreement the student has signed with SCPE. SCPE may suspend or cancel a student's enrolment including, but not limited to:

- SCPE may temporarily suspend or permanently cancel a student's enrolment if it deems the student's behaviour to be unacceptable as per its accepted Code. The Student Code of Conduct/Behaviour/Rules are provided to students in the International Student Handbook and/or during orientation.
- 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 course contract and written agreement between SCPE and the student.
- a breach of course progress or attendance requirements by the overseas student. In this case, overseas student visa requirements are breached by the student. The Student is not considered a genuine/bona fide student, if they do not attend class or progress in their course as further defined below.
- Should a student not permanently return to Australia after a period of suspension, SCPE will cancel the student's enrolment as per the evidence available.

Students who have their enrolment suspended / cancelled by SCPE are subject to the rules of the refund policy regarding any refund of fees.

If SCPE initiates a suspension or cancellation of the overseas student's enrolment, before imposing a suspension or cancellation, SCPE:

- informs the overseas student of the need to seek advice from immigration on the potential impact on his or her student visa.
- reports the change to the overseas student's enrolment under **section 19 of the ESOS Act**.
- informs the overseas student of that intention and the reasons for doing so, in writing.
- advises the overseas student of their right to appeal within **20 working days** through the provider's internal complaints and appeals process and in accordance with SCPE's Policy and procedure for Complaints and appeals. However, if SCPE has substantial evidence-based reasons regarding the welfare of the student or those with whom the student may come into contact, SCPE will cancel the student's enrolment prior to completion of any appeals process. The concerning cases are not limited to but may include the following reasons:
  - the student is at risk of committing a criminal offence or is the subject of investigation relating to criminal matters, or
  - the student's actual or threatened behaviour poses a serious threat to the SCPE staff / students / or the individual itself, or
  - The student has medical or psychological problems that may affect well-being of fellow students and / or the SCPE staff, or

In these cases, police and regulator will be consulted by SCPE.

SCPE is not obligated to continue providing learning opportunities throughout the **20 working days** while appeal is in process. Access to learning opportunities will depend on the nature of the decision made by SCPE and the impact on fellow students, the applicant and SCPE staff. However, students must meet their visa requirements during the appeal processes.

When there is any deferral, suspension or cancellation action taken by SCPE, SCPE:

Regardless of whether the '**suspension of enrolment**' at the student's request or a provider-imposed suspension (due to misbehaviour), the period of suspension entered in PRISMS will **not be** included in attendance and course progress monitoring calculations.

If a student's eCoE (enrolment) is cancelled by SCPE, students must contact department of home affairs within 28 days to inform the department of their plans (to find another course, return home or access the external appeal process) and take all relevant paperwork (for example, new CoE) to department of home affairs. Department of home affairs will advise students further as the student is no longer enrolled with SCPE.

Website link for students: <https://www.homeaffairs.gov.au/help-and-support/contact-us>



**PROCESS**

**STEPS STUDENT INITIATED PROCESS**

**1** Student Completes the **Deferral, suspension cancellation Form**



**2** SCPE staff supports the student in sending and completing the form correctly.



**3** SCPE staff accepts the Completed Form and supporting documentation



**4** The SCPE staff immediately sends the application and documents to SCPE CEO for processing



**5** SCPE CEO assesses the decision and makes changes to the **PRISMS** if the application is approved and / or of SCPE has initiated the suspension / cancellation action

**PRISMS PROCESS**

Locate the Student using eCOE Code on PRISMS



Make variation to the existing eCoE



Create new eCoE (if required)



Make comments on the PRISMS upon prompts



Approve new eCoE



Send the student new eCoE with Outcome letter

**6** SCPE CEO sends the outcome letter to the student within **10 working days**

Approval Outcome letters must be sent with new offer letter, eCoE and any conditions (if applicable)

Approval outcome must contain information for student to contact the immigration department

Refusal outcome must be attached with the Appeal Form, information about the student's access to the appeal process and SCPE Policy on **Complaints and Appeals**

Refusal Outcomes allow the student to appeal within **20 working days** for the appeal



**STEPS**

**RTO INITIATED SUSPENSION / CANCELLATION**

1 Staff gains information about possible suspension or cancellation of the Student

2 SCPE staff contacts the student to assess situation

3 SCPE staff has grounds to initiate suspension or cancellation as per this Policy

4 The SCPE staff immediately refers the situation to the CEO for processing

5 SCPE CEO assesses the decision and initiates changes to the **PRISMS**

**PRISMS PROCESS**  
Locate the Student using eCOE Code on PRISMS

Make variation to the existing eCoE

Create new eCoE (if required)

Make comments on the PRISMS upon prompts

Approve new eCoE

Send the student new eCoE with Outcome letter

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