



Australian College of Culinary and Management

**ACCM**

## Australian College of Culinary and Management Pty Ltd (ACCM)

RTO-45886-CRICOS-04038J

### Deferral, Suspension, Cancellation and Non-commencement of Student Enrolment Policy & Procedure

<p><b>ESOS/NCP</b></p>	<ul style="list-style-type: none"> <li>● ESOS Act (2000), Education for Overseas Students Amendment Act 2014 National Code of Practice for Providers of Education and Training to Overseas Students</li> <li>● National Code 2018: Standard 2.1.8, 9</li> </ul>
<p><b>SRTOs 2015</b></p>	<p><b>Standards 1.7, 5.2</b>  <a href="http://www.asqa.gov.au/users-guide-to-the-standards-for-registered-training-organisations-2015/users-guide-to-the-standards-for-registered-training-organisations-2015.html">http://www.asqa.gov.au/users-guide-to-the-standards-for-registered-training-organisations-2015/users-guide-to-the-standards-for-registered-training-organisations-2015.html</a></p>
<p><b>Legislative Context</b></p>	<ul style="list-style-type: none"> <li>● National Vocational Education and Training Regulator Act 2011 (Cth)</li> <li>● Standards for Registered Training Organisations 2015</li> <li>● Victorian Guidelines for VET Providers (Victoria)</li> <li>● External Appeal process</li> <li>● Overseas Students Ombudsman at Website: <a href="http://www.oso.gov.au">http://www.oso.gov.au</a></li> </ul>
<p><b>Related Policies and forms</b></p>	<ul style="list-style-type: none"> <li>● Course Deferment and Suspension Request Form</li> <li>● Student Code of Conduct</li> <li>● Plagiarism and Academic Misconduct Policy</li> <li>● Students Complaints and Appeals Policy</li> <li>● Course Withdrawal Request Form</li> </ul>

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## 1. POLICY

ACCM Pty Ltd **RTO-45886-CRICOS-04038J** will ensure that the student's deferments and suspensions of studies are carried out in accordance with the standards set out by the ESOS Act and National Code of Practice 2018.

## 2. PURPOSE

This policy outlines the circumstances for the application, assessment and approval of the deferment, suspension, leave of absence or cancellation of enrolment when instigated either by the student or ACCM and subsequent reporting requirements via PRISMS.

Under the Standard 9 of The National Code, students are allowed to defer commencement of studies, take a leave of studies, or temporarily suspend their studies during their program where compassionate or compelling circumstances exist. It covers student access to complaints and appeals' mechanisms if a provider initiates a suspension or cancellation of enrolment against a student's wishes. Standard 9 states that registered providers may only enable students to defer or temporarily suspend their studies, including granting a leave of absence, during the course through formal agreement in certain limited circumstances.

## 3. SCOPE

This policy applies to all the current international students of ACCM studying onshore, holding a student visa and all the other students who are enrolled with ACCM.

## 4. DEFINITIONS

**Deferment:** Postponement of the commencement of a course of study. Must occur prior to the start of a new academic term or a study period.

**Suspension:** Temporary postponement of an undertaken course of study. May occur at any time during an academic term or a study period.

**Cancellation:** Termination of enrollment.

**Course:** means a course of education or training as defined in the ESOS Act.

**CoE:** Confirmation of Enrolment.

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

**Study Period:** A discrete period of study within a course. The term duration, usually a contact period of ten (10) weeks, is considered a study period.

**Compassionate or compelling circumstances** are generally those which are 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, natural disasters such as floods, hurricanes, tornadoes, volcanic eruptions, earthquakes, tsunamis, storms, and other geological calamities or biological pandemics in the home country requiring emergency travel and if 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.

## **5. REQUIREMENTS, PROCESS AND PROCEDURE**

### **5.1 Deferral, Suspension, or Cancellation: Instigated by the Institute**

Students may also have their enrolment deferred, suspended or cancelled by ACCM in the event of:

- Misbehaviour (as outlined in the Student Code of Conduct, and Plagiarism and Academic Misconduct Policy);
  - Breach of the Student Acceptance Agreement (e.g., non-payment of fees);
  - If the student behaves in a way which could potentially bring the Institute into disrepute;
  - The Institute implements its intervention strategy for students at risk of not meeting satisfactory course progress (including where the student is clearly having difficulty in completing the course within the expected duration, as specified on the student's CoE).
- ACCM shall send a written notification of intention to defer, suspend, or cancel the student's enrolment.
  - Students have 20 working days to the right to appeal a decision by ACCM to defer, suspend or cancel their studies and the Institute will not notify the Department of Home Affairs via PRISMS of a change to the enrolment status until the internal complaints and appeals process is completed.
  - If the deferral, suspension or cancellation of a student's enrolment is initiated by ACCM, the student will be notified in writing and given twenty (20) working days to access ACCM's internal complaints and appeals process. In case of Non-commencement, no notice is given to the students.

After all due processes have been completed, and ACCM decides to defer, suspend or cancel a student's enrolment, a designated ACCM's Compliance Officer must notify the Department of Home Affairs via PRISMS within 14 days of the change to the student's enrolment status. In the event, however, of ACCM cancelling a student's enrolment due to a breach of a condition of a student visa, ACCM's Compliance officer must give the Department of Home Affairs particulars of this breach via PRISMS as soon as practicable after the breach.

### **5.3 Deferring or Suspending a Course of Study: Instigated by Student**

- Students wishing to defer or suspend (temporary) their enrolment may only do so when there are compelling or compassionate circumstances. Compelling or compassionate circumstances may include, but are not limited to:
  - serious illness or injury, where a medical certificate states that the international student was unable to attend classes;
  - on shore deferral is permitted only for medical reasons where a student is physically unable to attend the scheduled classes;
  - bereavement of close family members such as parents or grandparents (where possible a death certificate should be provided);
  - major political upheaval, natural disasters such as floods, hurricanes, tornadoes, volcanic eruptions, earthquakes, tsunamis, storms, and other geological calamities or biological pandemics in the home country requiring emergency travel and if 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 overseas student (these cases should be supported by police or psychologists' reports)
  - Where the registered provider was unable to offer a pre-requisite unit, or the overseas student has failed a prerequisite unit and therefore faces a shortage of relevant units for which they are eligible to enroll.
- Students will need to substantiate their claims with appropriate supporting documentation. Deferral or suspension of studies cannot be used for personal travelling, undertaking hobbies, working or taking holidays/breaks, and it will not be approved on such grounds.

- Students who would like to defer the commencement of their studies or suspend their current course of study must first speak to the Admissions in the case of deferment and the student Administration/support Officer in the case of suspension.
- Prior to applying to suspend their studies, students must ensure that they have paid any outstanding course fees up to the date of resumption of the studies. If a payment plan is in place fees required to be paid until the closest rounded up due date.
- After these measures have been taken, and the student still wishes to defer or suspend their studies, a '*Deferment Suspension Request Form*' must be completed and submitted to the Administration team with verifiable supporting documents. The form can be obtained from ACCM website. The form must be submitted at least fourteen (14) working days prior to the requested deferral or suspension date.
- The processing officer would assess and process the deferment/suspension as one of the following scenarios.
  - a) The processing officer notifies the Department of Education and Training and Department of Home Affairs (DHA) through PRISMS that they are deferring or suspending an overseas student's enrolment for a period without affecting the end date of the CoE. There will be no change to the CoE on PRISMS – the overseas student will still be listed as studying.
- The processing officer notifies the Department of Education and Training and Department of Home Affairs (DHA) through PRISMS that they are deferring or suspending an overseas student's enrolment for a period which will affect the end date of the CoE. PRISMS will cancel the original CoE and immediately offer the registered provider the opportunity to create a new CoE with a more appropriate end date. If the registered provider does not know when the overseas student will return, it can choose not to create a new CoE at that point, but to wait until the overseas student has notified the registered provider of the intended date of return before creating a new CoE. The processing officer must include the deferment start and end date on the '*deferment suspension form*' and complete the '*Course resumption form*' upon student's return. If an application for deferment and suspension being approved or denied, the outcome will be notified to the applicant in writing and, if denied, reasons for the refusal will be given.
- In the event of an application for deferment or suspension of studies being approved, a designated student Administration/support Officer will notify the Department of Home Affairs (DHA) via PRISMS within 14 days of the change to the student's enrolment status.
- Upon return, the student must contact the student Administration/support Officer with a completed '*Course Resumption Form*'.
- The student Administration/support Officer will prepare a study timetable for the units the student might have missed during the deferment period and send the Customised timetable to the student by email.
- Student Administration/Support Officer updates the course resumption date on PRISMS by 'Commencing' the CoE.
- Student is provided with an updated payment plan with the new payment due dates. Student is not expected to make the payment towards tuition fees in the suspension period.
- The processing officer updates the deferment/suspension of study ACCM registry.

#### **5.4 Withdrawing from a course of study**

- Students intending to have their enrolment cancelled through course withdrawal must first speak to the CEO. Reasons given by the student for course withdrawal should be discussed and appropriate advice obtained from the CEO.
- After these measures have been taken, and the student still wishes to withdraw from their studies, a '*Withdrawal from Course Form*' must be completed by the student and submitted to the student Administration/support Officer. Prior to applying to withdraw from their program, students must ensure that they have paid any outstanding course fees. The Withdrawal from Course Form can be downloaded from ACCM website
- The withdrawal request and release from ACCM has to be approved by the CEO.
- The student Administration/support Officer notifies the DHA through PRISMS that it wishes to permanently

cancel (terminate) the overseas student's enrolment. Once this process is complete, the overseas student's CoE status will be listed as 'cancelled'.

- **Restricted Period:** If a student is intending to withdraw prior to the completion of six months of the principal course of study, they should be directed to and given access to ACCM's Transfer between Providers Policy. Students should be informed that as per the NCP 2018 Standard 7 the Institutes providing courses to international students are restricted from enrolling transferring students from other providers prior to the student completing six months of his or her principal course of study.
- While the Institute may grant a student a release in this restricted period, it is not required to do so, and it may exercise appropriate discretion. Possible reasons that release may not be given include, but are not restricted to:
  - A student requesting a transfer has an inaccurate understanding of what the transfer represents to the study options;
  - The student still owes the Institute course fees;
  - It is suspected that the student is seeking transfer only to avoid being reported to DHA for failure to meet course progress requirements;
  - The Institute considers this transfer to be detrimental to the student's interests;
  - The reasons stated for the request to transfer have not been adequate;
  - The transfer does not appear to be for the purpose of an educational or career-oriented benefit;
  
  - The course requested transfer to is the same or similar to the currently enrolled course(s);
  - The primary reason for a transfer request is for a different class schedule which is more suited to the student's current or anticipated employment interests, or other non-educational interest. When a student applies to withdraw from a course during this restricted period, the student must complete and submit a Withdrawal from Course Form which is accompanied by:
    - a valid letter of offer from another provider;
    - A detailed letter explaining clearly the reasons for seeking withdrawal addressed to the CEO.
- In the event that a student's application for withdrawal from an enrolled course(s) is approved, a designated Institute Administration Officer must notify the Department of Home Affairs via PRISMS within 14 days of the change to the student's enrolment status.
- Leave of absence, deferral, suspension or cancellation of enrolment may have implications for a student's visa; especially if the course end date has been changed. The Institute recommends that students seek appropriate advice regarding these implications. The Institute does not provide immigration advice to students.
- **Important Note - Visa implications**  
Leave of absence, deferral, suspension or cancellation of enrolment may have implications for a student's visa; especially if the course end date has been changed. ACCM recommends that students seek appropriate advice regarding these implications. ACCM does not provide immigration advice to students.

### **5.5 Reporting Non-commencement of course - initiated by ACCM**

- For New Student: ACCM cancels the student's enrolment after two weeks from the date of the course start date and will report to the DHA via PRISMS for Non – commencement.
- Current ACCM Student (Pathway): If the student previous course falls on the term end date of our Academic calendar (not mid-term) ACCM cancels the student's enrolment after two weeks from the date of the course start date and will report to the DHA via PRISMS for Non – commencement.
- If the student previous course end date falls within the mid- term end date of our Academic calendar, ACCM cancels the student after 30<sup>th</sup> day from the date of the course start date and will report to the DHA via PRISMS for Non – commencement.

- The students who start their course after the proposed start date, a customised timetable will be given to cover the units they would have missed from the intake start date.

## **6. APPEAL**

The student will be notified in writing of the outcome once the decision is made on deferral, suspension, cancellation and/or exclusion for either reasons initiated by the student or the Institute including reasons for the decision. Student should also refer to Institute's "ACCM Complaints and Appeals Policy", available with student administration and online At ACCM Website for information on lodging an appeal against a decision.

## **7. RESPONSIBILITY**

The student Administration/support Officer/Coordinator has the responsibility to provide the student details and fee status to CEO for effective implementation and maintenance of this procedure.

The Quality and Compliance Manager is responsible for effective implementation and management of this policy as well as provision of information on ways to resolve complaints of breaches of this policy.