



**AUSTRALIAN INSTITUTE
OF HIGHER EDUCATION**

International Student Deferment Suspension and Cancellation Policy and Procedure

Category: Administration (ADM)

1. Purpose

Under the requirements of the ESOS Act^[1] and National Code^[2], if an international student has enrolled in a course at the Australian Institute of Higher Education Pty Ltd (“AIH”) 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, AIH must report the student to DEEWR^[3]/DIAC^[4] via PRISMS, as not complying with visa conditions.

AIH may also 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.

2. Student-Initiated Application for Deferment or Suspension of Study

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 continue to attend the course for a specified period of time, in compassionate or compelling circumstances.

In relation to suspension, once a semester has commenced, any suspensions will require a payment of tuition fees for 4 units, and no tuition fees will be credited toward the following semester. The student then has to pay another 2 units of fees in order to commence the following semester. However, if AIH is notified in writing and a Suspension Application Form is filled in before the semester commences 2 units' fees have to be paid and credited toward the following semester.

Continuing students who wish to terminate must submit their application before the semester has commenced. Continuing students who apply to terminate their course after the semester has commenced is liable for the whole semester's fee.

All requests for deferrals, suspensions and terminations have to be approved by AIH senior management.

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 AIH 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 AIH 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 DIAC 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 one semester.

Procedure:

- 2.1 The following procedure applies to international students applying for a deferment of commencement of study:
 - 2.1.1 International students who wish to defer the commencement date of their course must advise AIH in writing of their request accompanied by documentation clearly demonstrating the compassionate or compelling reasons why the deferment should be granted.
 - 2.1.2 In the event that the request for deferment of studies demonstrates compassionate and compelling circumstances (as outlined above) AIH will approve the application and advise the student in writing of the decision within 5 working days.
 - 2.1.3 The Admissions will access PRISMS to advise DEEWR/DIAC the period of deferment granted.
 - 2.1.4 If the request for deferment of commencement of study does not meet the requirements for compassionate and compelling circumstances (as outlined above) AIH 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 AIH's grievance handling procedures.
 - 2.1.5 If the student chooses to access AIH's grievance process, the student's enrolment will be maintained until the grievance process is completed and AIH will not notify DEEWR/DIAC of any change to the student's enrolment status.
 - 2.1.6 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.
- 2.2 The following procedure applies to international students requesting a voluntary suspension of their study:
 - 2.2.1 International students who wish to suspend their studies will advise Student Administration in writing and fill in the Student Course Deferring or Suspension (continuing student) Form 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 semester commences.
 - 2.2.2 Accounts will then check to see if the student is financial. If the student is not financial, the request will not be processed. If the student is financial, and the semester has not commenced, the student will be asked to pay for 2 units of fees, which will be credited to the following semester.
 - 2.2.3 In the event that the request for suspension of studies demonstrates compassionate and compelling circumstances (as outlined above) and the student has paid the relevant fees, the

Executive Dean will approve the application and the student will be advised in writing by Student Administration of the decision within 5 working days.

- 2.2.4 The Supervisor Admissions will access PRISMS to advise DEEWR/DIAC the period of suspension granted.
- 2.2.5 The Executive Dean 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 and e-mail account and library borrowing rights are suspended until the student recommences their studies;
 - make a diary entry to set a reminder for when the student is due back.
- 2.2.6 If the request for suspension of studies does not demonstrate compassionate and compelling circumstances (as outlined above) the Executive Dean 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 AIH's grievance handling procedures.
- 2.2.7 If the student chooses to access AIH's grievance process, AIH will maintain the student's enrolment until the grievance process is completed and AIH will not notify DEEWR/DIAC of any change to the student's enrolment status through PRISMS.
- 2.2.8 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.

3. 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 (refer to the *Student Handbook*). Note that suspension due to unsatisfactory academic performance is covered by the *Student Progression, Exclusion and Graduation Policy and Procedure*.

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:

- 3.1 The Associate Dean of Studies will present to the Executive Dean their intention to suspend a student's studies or cancel their enrolment for misconduct together with supporting evidence;
- 3.2 The Executive Dean will consider the request to suspend the student's studies, and supporting evidence, and advise the Associate Dean of Studies of their decision.
- 3.3 In the event that the Executive Dean approves the request to suspend a student's studies or cancel their enrolment, the Executive Dean 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 DEEWR/DIAC 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 AIH's grievance handling procedure.
- 3.4 A copy of the letter and supporting evidence along with the Executive Dean's documented decision is placed on the student's file.
- 3.5 If the student chooses to access AIH's grievance procedure, AIH will maintain the student's enrolment until the internal grievance process is completed and will not notify DEEWR/DIAC 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 AIH 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.

3.6 The National Code does not require AIH to continue providing learning opportunities throughout the 20 working days allowed to appeal the decision and during the internal grievance process. Based on the nature of the misconduct, AIH 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 AIH will consider whether denying the student learning opportunities throughout the 20 day appeal period and during the internal grievance process may disadvantage the student in their subsequent studies should the grievance process find in their favour.

3.7 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 Supervisor Admissions / Student Services will access PRISMS to advise DEEWR/DIAC of the change in the student's enrolment. Note that AIH does not have to wait for the outcome of an external appeal before notifying DEEWR/DIAC of the change to the student's study status.

3.8 The Executive Dean 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 AIH notifies DEEWR/DIAC 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 AIH determines the studying status of the student, it is DIAC who decides whether the student may remain in Australia or must return home. DIAC'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).

4. Not Meeting Conditional Offer Requirements

When a prospective international student receives an AIH Higher Education 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 semester's intake date provided that the required evidence of educational entry requirements are submitted prior to that semester's intake date. In this instance, all prepaid student fees for the AIH Higher Education 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 semester of deferment, the prospective student has still not achieved the required educational entry requirements, AIH Higher Education may withdraw the Conditional Offer and provide students with a refund of all fees except the enrolment fee (please refer to the below). This will allow the student to find alternative study arrangements with the conditions of the AIH Refund Policy implemented. AIH may also defer the student for another semester with a prepayment of 4 units of tuition fees which will be fully credited to the semester when the student commences.

5. Version Control

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[1] Refers to the Commonwealth Education Services for Overseas Students Act 2000

[2] Refers to the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Student 2007

[3] Refers to the Commonwealth Department of Education, Employment and Workplace Relations

[4] Refers to the Commonwealth Department of Immigration and Citizenship