



Purpose

The purpose of this policy and procedure is to assess, approve and record any deferment, suspension or cancellation of study during enrolment. It also complies with the requirements of Standard 9 of the National Code 2018 for Deferring, suspending or cancelling the overseas student's enrolment.

Scope

This policy applies to all international students enrolled to study a Vocational Education and Training program at Australis Institute of Technology and Education (AITE).

Legislative Context

- The ESOS Act 2000
- Education Services for Overseas Student (ESOS) Regulations 2001
- The National Code 2018
- National Vocational Education and Training Regulator Act 2011
- Standards for Registered Training Organisations (RTOs) 2015

POLICY

Australis Institute of Technology & Education (AITE) will appropriately manage the enrolment of their overseas students and ensure all necessary information about enrolments has been provided to the relevant government department by maintaining updated information in the Provider Registration and International Student Management System (PRISMS) database.

- AITE will only defer, suspend or cancel the enrolment of an overseas student on the following grounds.
 - o Compassionate or compelling circumstances of the student
 - o Non-payment of tuition fee
 - o Student misconduct
 - o Non-Commencement of studies
 - o Withdrawal from studies
 - o Extenuating circumstances relating to the welfare of the student
- Student will be advised before the enrolment, during orientation and during the course of the grounds on which their enrolment may be deferred, suspended or cancelled.
- AITE informs the student about the consequences of deferment, suspension or cancellation which may affect their student visa.
- AITE allows a time of 20 working days for the student to appeal against the decision.
- If a student appeals against the decision to defer, suspend or cancel his/her studies, AITE will maintain student enrolment and will not notify Department of Education – DHA of a change to the enrolment status until the complaints and appeals process is complete.
- When the student's deferment, suspension or cancellation is confirmed, AITE will inform the Department of Education – DHA, via PRISMS as soon as practicable and update student, student file and RTO manager system accordingly.

AITE's documented policy requirements as per the proposed standard (National code 2018) will include the following:



9.1 AITE will 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 AITE will defer or suspend the enrolment of a student if it believes there are compassionate or compelling circumstances.

9.3 AITE will 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 AITE 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.

Notes:

1. Student may choose to apply for leave of absence without extending the CoE if the duration of leave period is equal or less than remaining Term Break period of the course and the student agrees to undertake extra course load in future study terms or study during term break(s) to complete the pending units.

2. Student may request for refund of the fee. AITE assesses the application as per student agreement/ refund policy.

3. Only the Principal will consider the retrospective deferment cases where unusual / extreme compelling circumstances exists.

Compassionate or Compelling Circumstances

Australis Institute of Technology & Education (AITE) may grant deferment or suspension of student enrolment on the ground of Compassionate or Compelling Circumstances. They are generally beyond the control of the student and have an impact on the student's course progress or wellbeing. These circumstances could include but are not limited to:

- Serious illness or injury, where a medical certificate states that the student was / is unable to attend classes;



- Serious illness / Bereavement of close family members such as parents or grandparents (Medical certificate is mandatory, a death certificate should be provided where possible);
- 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:
 - o involvement in, or witnessing of a serious accident; or
 - o 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);

The following situations would be considered compelling circumstances only in regards to this policy and could support deferral or suspension of studies

- Student unable to secure a pre-requisite unit/course
- Delay in grant of student visa by DHA.

Note: The above are only some of examples of what may be considered compassionate or compelling circumstances. Australis Institute of Technology & Education (AITE) will use their professional judgment to assess each case on its individual merits. When determining whether compassionate or compelling circumstances exist, AITE will consider documentary evidence provided to support the claim, and should keep copies of these documents in the student's file and RTOManager.

Termination of studies in extenuating circumstances

Australis Institute of Technology & Education (AITE) may initiate an immediate suspension or cancellation of student enrolment on the ground of extenuating circumstances. In the case of extenuating circumstances AITE will not wait for the outcome of internal or external appeal and will report the change in student enrolment to Department of Education – DHA via PRISMS. Extenuating circumstances may include, but are not limited to the following. The student

- is missing;
- has medical concerns, severe depression or psychological issues which lead the provider 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

Student Misconduct

Australis Institute of Technology & Education (AITE) has the ability to suspend a student's enrolment on the grounds of misbehaviour. This misbehaviour may include but is not limited to acts of discrimination, sexual harassment, and vilification or bullying as well as acts of cheating or plagiarism. Such acts of misbehaviour will be classified into one of two categories.

- Academic misconduct
- General misconduct



Academic misconduct

The following gives an indication to the types of behaviour that constitute 'Academic Misconduct' within Australis Institute of Technology & Education (AITE) Assessments:

- o Student must not bring any materials into the assessment venue other than those specified for that assessment
- o Student must not use computer software or other devices during an assessment other than those specified.

Other assessment misconduct criteria - A student may be excluded from a final assessment in a unit for any of the following reasons:

- Unauthorized absence from class
- Failure to meet unit requirements, for example non-submission of assignments

Student must not copy or paraphrase any document, audio-visual material, computer-based material or artistic piece from another source except in accordance with the conventions of the field of study

- Student must not use another person's concepts, results or conclusions and pass them off as their own
- In cases where the assessment task is intended to be individual work not group work, student must not prepare an assignment collaboratively and then submit work that is substantially the same as another student's assessment.
- Student must not ask another person to produce an assessable item for them.

General misconduct

General misconduct is where a student acts dishonestly, harasses other students or staff; interferes with students or staff; prevents or disrupts learning; disobeys/fails to comply with contractual or legal requirements; misuses, damages or steals an Australis Institute of Technology & Education's (AITE) property or the property of others; alters/defaces AITE documents or records; prejudices the good name of AITE, or otherwise acts in an improper manner.

The following examples indicate the kinds of behaviour which constitute student misconduct. They are for illustrative purposes and are not intended to be exhaustive. Student misconduct occurs when a student:

- Contravenes any rules or acts;
- Prejudices the good name or reputation of AITE;
- Prejudices the good order and governance of AITE or interferes with the freedom of other people to pursue their studies, carry out their functions or participate in the life of AITE

- Fails to comply with conditions agreed in the contract;

- Willfully disobeys or disregards any lawful order or direction from AITE personnel;
- Misbehaves in a class, meeting or other activity under the control or supervision of AITE, or on AITE premises or other premises to which the student has access as a student of Australis Institute of Technology & Education (AITE);
- Obstructs any member of staff in the performance of their duties;
- Acts dishonestly in relation to admission to Australis Institute of Technology & Education (AITE);
- Knowingly makes any false or misleading representation about things that concern the student as a student of Australis Institute of Technology & Education (AITE) or breaches any of AITE rules;
- Alters any documents or records;



- Harasses or intimidates another student, a member of staff, a visitor to AITE, or any other person while the student is engaged in study or other activity as an AITE student, because of race, ethnic or national origin, sex, marital status, sexual preference, disability, age, political conviction, religious belief or for any other reason;
- Breaches any confidence of AITE;

Misuses any facility in a manner which is illegal or which is or will be detrimental to the rights or property of others. This includes the misuse, in any way, of any computing or communications equipment or capacity to which the student has access at or away from AITE premises while acting as an AITE student, in a manner which is illegal or which is or will be detrimental to the rights or property of others;

- Steals, destroys or damages a facility or property of AITE or for which AITE is responsible; or
- Is guilty of any improper conduct.

Where a student has been identified with Academic or General Misconduct Australis Institute of Technology & Education (AITE) shall ensure the following:

- o Student must be treated fairly, with dignity and with due regard to their privacy
- o Student are to be regarded as innocent of the alleged misconduct until they have either admitted to it or been found by proper inquiry by Australis Institute of Technology & Education (AITE) to have so behaved.
- o Past misconduct is not evidence that a student has behaved in the same manner again.
- o Each case is dealt with on its own merits and according to its own circumstances with the provision that the first instance of misconduct will be penalized more leniently than subsequent instances of misconduct.
- o Students are able to access the Complaints and Appeals procedure if they feel that the decision is unfair or they have other grounds to appeal the decision. Student has 20 working days to access the complaints and appeals process.

Any penalties Australis Institute of Technology & Education (AITE) can impose are subject to the inclusion of this provision in student agreement with AITE

- Academic Misconduct could include a warning, deemed NYC in the unit, or suspension of enrolment
- Temporary exclusion from AITE in the form of suspending enrolment for a period of time. DHA's policy is that if a student's enrolment is suspended for a period of 28 days or longer, the student must return home (unless special circumstances exist). Please refer all questions about whether students may remain in Australia during a period of suspension of enrolment to DHA. Where the severity of misconduct is severe, AITE may decide to cancel the enrolment.

Notifying the Student and Department of Education – DHA via PRISMS

Where AITE decides to defer suspend or cancel the student's enrolment, AITE will:

- Notify the student in writing of its intention to defer, suspend or cancel the enrolment and that changes to the student's enrolment may affect his/her visa
- Refer the student to the DHA website (www.immi.gov.au), helpline (131 881) or local DHA office for advice.
- Notify Department of Education – DHA via PRISMS, as required under section 19 of the ESOS Act, of the change in the student's enrolment and issue a new CoE, if required.

The following are three different outcomes for the student's CoE:

- AITE will notify Department of Education and Training – DHA through PRISMS that it is deferring or suspending a student's enrolment for a period without affecting the end date of the CoE. In this case there



is no change to the CoE or the student's enrolment status on PRISMS i.e. the student's CoE status will still be listed as 'studying'.

- AITE will notify Department of Education and Training – DHA through PRISMS that it is deferring or suspending a student's enrolment for a period which will affect the end date of the CoE. In such situations AITE will cancel the original CoE, and immediately create a new CoE with a more appropriate end date. If AITE does not know when the student will return, AITE will choose not to create a new CoE at that point, but to wait until the student has notified of the intended date of return before creating the new CoE.
- AITE will notify Department of Education – DHA through PRISMS that it wishes to permanently cancel (terminate) the student's enrolment. Once this process is complete, the student's CoE status will be listed as 'cancelled'.

Appeals

- If the student disagrees with AITE's decision to defer, suspend or cancel the enrolment, AITE provides a period of 20 working days to the student to appeal against it as per its complaints and appeals policy and procedures – Standard 10.
- AITE will maintain the student enrolment and will not notify Department of Education and Training – DHA until the appeal process is complete.
- AITE can suspend or cancel a student's enrolment prior to the completion of the appeals process if there are extenuating circumstances relating to the welfare of the student.
- Student may refer to AITE's complaints and appeal Policy and Procedure for more information on appeals.



General Procedures

<p>CEO/Principal, Compliance Manager, Academic Coordinator, Student Intervention Officer, Student services Officer, Student Welfare staff, Admin staff, Trainers and student</p>	<ul style="list-style-type: none"> • International students will be advised during orientation and during the course of the grounds on which their enrolment may be deferred, suspended or cancelled. They will be further advised that it is their responsibility to apply for deferment or suspension on time • Overseas students must sign the acknowledgement of completion of an Orientation to confirm they understand various policies and their rights and responsibilities as it relates to their enrolment at the AITE. • Signed document is kept in the student file. • All AITE staff dealing with overseas students participates in an information session which includes the contents of this policy. • The copy of this policy will be made accessible on AITE.
<p>Student requests deferral or suspension</p>	
<p>Student</p>	<ul style="list-style-type: none"> • Where the student wishes to defer the commencement of studies or suspend Studies then the student must complete the Leave of Absence form which is available from Student Services or from the website and submit it to Student services in the campus or email support@australisinstitute.nsw.edu.au along with the documentary evidences to support the application.
<p>Student Services Officer/ Student Intervention Officer/Student Welfare Officer</p>	<ul style="list-style-type: none"> • Reviews request for compassionate or compelling circumstances as defined above. If required meet with or speak with the student to make correct judgment. • Advises student that change in enrolment due deferment, suspension or cancellation may affect their student visa. • Uses professional judgment and assess each case on its individual merits and documentary evidences.
<p>Principal/Student Services Officer</p>	<p>Where the student is granted deferral or suspension of studies:</p> <ul style="list-style-type: none"> • Decides length of suspension and ensure that student will be able to recommence their studies on decided date. • Notifies student in writing that their Student Deferral or Suspension has been approved and to contact DHA. • The letter can be mailed to the last known address of the student/ Emailed or personally handed to the student.



	<ul style="list-style-type: none"> • Notifies Department of Education – DHA via PRISMS of the change of enrolment: • If required, issue a new CoE with new finishing date • Files all documentation on the student's file and records in RTOManager
AITE Recommends deferral or suspension	
CEO/Principal, Compliance Manager, Academic Coordinator, Student Intervention Officer, Student services Officer, Student Welfare staff, Admin staff, Trainers and student	<p>Student misconduct has been notified to the AITE Staff.</p>
Student Services Officer/ Student Intervention Officer/Student Welfare Officer/Compliance Manager/Academic Coordinator/Principal/CEO	<ol style="list-style-type: none"> 1. Where the student has demonstrated academic or behavioural misconduct as defined above: <ul style="list-style-type: none"> • Schedule a meeting with the student as soon as practicable and advises him or her of the breach of student conduct. • If the decision is made at that time to suspend or cancel the student's enrolment, provides student with Decision Letter to Suspend or Cancel Enrolment. • Advise student of appeals process and that change in his/her enrolment may affect their visa. 2. Where the student has not paid tuition fees as per student agreement: <ul style="list-style-type: none"> • AITE will issue a Letter of Demand for outstanding Fees. Advises student to pay within 7 days. • If student does not pay, notify student his/her enrolment will be suspended or cancelled and issue a Letter of Intention to Report for Failing to Pay Fees • Advise student of appeals process and that changes in his/her enrolment may affect their visa 3. Where the student has not commenced studies, withdraws from the course, or extenuating circumstances relating to the welfare of the student applies then AITE is not required to notify the student of its intent to cancel the students enrolment.
Principal/Student Services Officer	<p>If the student has chosen to access the complaints and appeals process within the twenty (20) working day period i.e. internal and or external, and the appeals process is finalised and the student's appeal has been upheld</p> <ul style="list-style-type: none"> • The student will not be reported to Department of Education and Training – DHA • The student will be advised of the appeal process outcome as per AITE's complaints and appeals policy. <p>If the student has chosen not to access the complaints and appeals process within the 20 working day period, or withdraws from the process, or the appeals process is finalised and the outcome supports the AITE's decision to suspend or cancel the student's enrolment:</p>



	<ul style="list-style-type: none">• The change in enrolment of the student is reported to Department of Education and Training – DHA via PRISMS as soon as practicable.• The decision letter is mailed/Emailed to the student.• Relevant training and administration staff is notified of student's status. <p>Records of all attempts made to contact the student, including telephone calls, SMSs, application forms, warning letters, counselling notes, medical certificates , any other documentary evidence, evidence of assessment, Letter of Intention to report, appeal documents, decision letter must be documented and kept on the student's file and uploaded on RTOmanager.</p>
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Staff involved/responsible for recording, monitoring, counselling and reporting on course progress

- Trainers/Assessors
- Academic Coordinator
- Academic Manager
- Compliance Manager
- Student Services Officer
- Student Intervention Officer(s)

Policy review

This policy covers all international students studying at AITE on a student visa. This policy is available to learners and staff by way of the college website(s) and through student/staff orientation handbooks.

This policy will be reviewed as part of the College's one year policy review cycle or as required by regulatory changes.



DEFINITIONS

CoE	Confirmation of Enrolment
DHA	Department of Immigration and Border Protection
DOE	Department of Education and Training
PRISMS	Provider Registration and International Students Management System issued under the Migration Act 1958
Student	Refers to overseas student in this document
Trainer	Trainer represents teacher, assessor or tutor.
CEO	Chief Executive Officer (CEO)
Defer	To postpone the commencement of a course until a later time
Suspend/Suspension	To stop a student's enrolment or cause the student to be inactive either temporarily or permanently
Cancel	It is the permanent termination of the student's enrolment and the student's CoE status will be listed as "cancelled"
Withdrawal	Student who has not completed his/her course and does not return to studies after a scheduled holiday break or have applied for cancellation of his or her enrolment to go back to their home country permanently. AITE will notify DHA via PRISMS of 'student notified cessation of studies' to cancel the student's enrolment.
Internal Appeal	Submission by a student to have a matter heard and/or reconsidered by AITE
External Appeal	Submission by a student to have a matter heard and/or considered by the nominated external bodies if the internal appeal has been declined.



POLICY AND PROCEDURES RESPONSIBILITIES, REVIEW AND LINKAGES

Approved by:	PEO/Principal	Date Effective:	22 August 2019
Date of Next Review:	August 2025	Document No:	Version 2.0
Custodian:	AITE's Compliance Manger		
Staff Involved in Course progress	<ul style="list-style-type: none"> • CEO/Principal • Compliance Manager • Academic Coordinator • Student Welfare Officer • Trainers/Assessors • Academic Coordinator • Session Coordinator • Student Services Officer (Enrolment/Cancellations) • Student Intervention Officer 		
Responsible Officers:	AITE's CEO AITE's Compliance Manager		
Supporting Documents, Procedures & Forms:	Assessment cover sheets (For Extensions & Appeal) Student query form Student Complaint/appeal Form Student Intervention record Form Student Counselling Form		
Related Procedure	Enrolment procedure		