

# Deferral, Suspension and Cancellation Policy & Procedure

## Purpose & Legislative Background

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According to Standard 9 of National Code of Practice for Providers of Education and Training of Overseas Student 2018, enrolment can be deferred, suspended or cancelled in limited circumstances by HILTON ACADEMY or by the student. When deferral, suspension or cancellation of enrolment is initiated by HILTON ACADEMY, the student has the right to appeal the decision. Overseas students need to note that any deferral, suspension or cancellation may affect their study visa in Australia.

## Scope

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This policy may impact current and future students of HILTON ACADEMY. This may also impact the third party specifically the agents to HILTON ACADEMY.

## Policy

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Students can only apply to HILTON ACADEMY for deferment or suspension of their studies for compassionate or compelling circumstances (defined as those beyond the control of the student and which have an impact on course progress or wellbeing).

Students may request a deferral prior to course commencement. Request must be in writing and addressed to the Admin Officer. If the deferral is approved the student will receive a revised Letter of Offer and CoE.

All applications for deferment or suspension will be considered and the decision provided in writing to the student within 10 working days from the date of application.

HILTON ACADEMY may choose to grant or decline any student's request for deferment or suspension of studies. All documentation including reasons are to be kept on the student file.

If students apply to suspend their studies the maximum allowable period of suspension is six (6) months. Students may be required to apply for a new student visa to continue their course.

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.

HILTON ACADEMY will use our professional judgement to assess each case on its individual merits. Documentary evidence will be required to support any compassionate/compelling application. All evidence/notes/comments must be kept on the

student file.

## College Initiated Deferments, Suspensions or Cancellations

### Suspension

The College may initiate a suspension of studies on the grounds of misbehaviour of a student, in accordance with the College's Student Code of Conduct/Behaviour/Rules.

Attendance will not be recorded during a period of suspension.

Course suspension will be recorded on PRISMS.

### Cancellation

- On the grounds of misbehaviour, in accordance with the College's Student Code of Conduct/Behaviour/Rules
- Due to the student no longer holding a Student Visa
- Due to the student's failure to pay course fees
- Student not being a genuine/bona fide student, being, they do not attend class or progress in their course.
- Course suspensions/cancellations will be recorded on PRISMS.

HILTON ACADEMY can suspend or cancel a student's enrolment against the student's wishes, provided that the suspension or cancellation is consistent with HILTON ACADEMY policies and/or Australian Law.

Before suspending or cancelling a student's enrolment HILTON ACADEMY must notify the student of its intention to take such action and allow the student 20 working days to access the complaints and appeals process. (see: Complaints and Appeals Policy).

If HILTON ACADEMY intends to cancel a student's enrolment and the cancellation was not requested by the student, the student must be advised of their right to access the complaints and appeals process (regardless of the reason for cancellation).

Students are advised that a deferment or suspension of their studies may affect their visa.

HILTON ACADEMY is not required to wait for the outcome of any external appeals process before notifying DOE of the cancellation of the student's enrolment.

Where HILTON ACADEMY has reason for concern for the welfare of the student or those with whom the student may come into contact, HILTON ACADEMY will cancel the student's enrolment prior to completion of any appeals process.

Notification on PRISMS will not occur until the result of the internal appeals process is known, unless extenuating circumstances relating to the welfare of the student apply, such as:

- the student is at risk of committing a criminal offence or is the subject of investigation relating to criminal matters
- the student's actual or threatened behaviour poses a threat to other staff/students/person
- student has medical or psychological problems that may affect their wellbeing
- the student cannot be located

If HILTON ACADEMY cancel your COE, you must contact DHA within 28 days to inform DHA of your plans (to find another course, return home or access an external appeals process) and take all relevant paperwork (for example, new CoE) to DHA.

## Management Action & Responsibility

The Academic Manager is responsible for the overall implementation of this policy & organizing the student meetings and paperwork for Deferral/ Suspension or cancellation.

The Student Support Officer is responsible to advise the Admin Manager on academic course progress of the student when required.

CEO has overarching responsibility for this policy.

## Definition

**International Student:** As defined in the Student Enrolment, Fees and charges Policy and Education Services for Overseas Students Act 2000 (ESOS Act); student who holds a Student Visa.

**Provider default:** As defined under section 46A of the Education Services for Overseas Students Act 2000 (ESOS Act): - Failure to commence a course on the agreed date at the agreed location, or course ceases to be provided to the student at the location at any time after it starts but before it is completed and the student has not withdrawn before the default day.

**Student Default:** As defined under section 47A of the Education Services for Overseas Students Act 2000 (ESOS Act):

- Course starts at the location on the agreed starting day, but the student does not start the course on that day (and has not previously withdrawn); OR –

The student withdraws from the course at the location (either before or after the agreed starting day); OR –

HILTON ACADEMY refuses to provide, or continue providing, the course to the student at the location because of one or more of the following events:

- i. The student failed to pay an amount he or she was liable to pay the provider, directly or indirectly, in order to undertake the course;
- ii. The student breached a condition of his or her student visa;
- iii. Misbehavior by the student

**TPS:** Tuition Protection Service

## Legislative Context

The legislative base for this policy is as follows:

- National Vocational Education and Training Regulator Act 2011 (Cth)
- The ESOS Act 2000
- Education Services for Overseas Students (ESOS) Regulations 2001
- The National Code 2018

## Policy Control

| Version | Date     | Changes / Updates                          | Approved |
|---------|----------|--|----------|
| 1.0     | Jan 2020 | RTO Policy and Procedure of HILTON ACADEMY | CEO      |