



## International Student Deferment, Suspension and Cancellation of Study Procedure

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| <b>Policy supported</b>                | International Student Deferment, Suspension and Cancellation of Study Policy   |
| <b>Procedure Code</b>                  | ADM-HE-06  |
| <b>Procedure owner</b>                 | Principal Executive Officer (PEO)  |
| <b>Responsible Officer</b>             | Principal Executive Officer (PEO)  |
| <b>Approving authority</b>             | Board of Directors   |
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| <b>Review date</b>                     | 3 years  |
| <b>Version</b>                         | 2023.2   |
| <b>Related Documents</b>               | ESOS Act 2000<br>National Code of Practice for Providers of Education and Training to Overseas Students 2018<br>Student Handbook<br>Student Progression and Exclusion Policy<br>Student Progression and Exclusion Procedure<br>Student Complaint and Appeal Policy<br>Student Complaint and Appeal Procedure<br>Refund Policy for International and Domestic Students<br>Refund Procedure for International and Domestic Students<br>Student Course Deferment or Suspension Form (continuing student)<br>Student Course Deferment Request Form (new student)<br>Student Code of Conduct<br>Academic Misconduct Policy<br>Academic Misconduct Procedure |
| <b>HESF (Threshold Standards) 2021</b> | 1.1.2  |

### 1. Purpose

The purpose of this Procedure is to support the International Student Deferment, Suspension and Cancellation Policy. This Policy seeks to provide a framework for assessing, approving and recording deferment of the commencement of study, suspension of study, or cancellation of study for international students at the Australian Institute of Higher Education Pty Ltd (the 'Institute') in line with the requirements of the ESOS Act and National Code.

### 2. Scope

This Procedure applies to all international students enrolled at the Institute, Executive Management, Admissions, Student Services and the Accounts office.

### 3. Definitions

See the AIH Glossary of Terms for definitions.

## **4. Actions and Responsibilities**

All requests for deferrals, suspensions and terminations have to be approved by the Institute's senior management.

International students are advised to contact the Department of Home Affairs 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.

### **4.1 Fees**

#### **4.1.1 Leave of Absence**

Once a Study Period's census date has passed, students requesting a Leave of Absence will be required to pay any remaining tuition balance for the Study Period they are currently enrolled in. Students will also have to pay for an extra two (2) units, at the time of the request, which will be credited towards the following Study Period(s).

#### **4.1.2 Cancellation of enrolment**

Students who wish to cancel their course must submit a Withdrawal from a Course application form before the census date of the relevant Study Period to avoid incurring financial and/or academic penalty.

Students who apply to cancel their course after the relevant census date are liable for all fees due for the Study Period.

### **4.2 Students should also refer to the Refund Policy and Procedures for International and Domestic Students. Maximum time**

The maximum time allowed for a deferment or voluntary suspension of study is one Study Period.

### **4.3 Procedure for international students applying for Course Deferment (prior to commencement of study)**

**4.3.1** International students who wish to defer the commencement date of their course must advise the Institute in writing by completing the Student Course Deferment Request Form (new student). The request form is to be accompanied by documentation clearly demonstrating the compassionate or compelling reasons why the deferment should be granted.

**4.3.2** In the event that the request for deferment of studies demonstrates compassionate and compelling circumstances (as outlined in the International Student Deferment, Suspension and Cancellation Policy) the Institute will approve the application and, within five (5) working days of receiving the application, advise the student in writing of:

- the decision;
- the need to seek advice from the Department of Home Affairs in relation to the potential impact of the deferral on the student's visa.

**4.3.3** The Admissions office will access PRISMS to advise the Department of Home Affairs the period of deferment granted.

**4.3.4** If the request for deferment of commencement of study does not meet the requirements for compassionate and compelling circumstances (as outlined in the International Student Deferment, Suspension and Cancellation Policy) the Institute will not approve the application and will advise the student in writing within

five (5) working days of the reason for the decision. If the student does not agree with the decision and believes there are compassionate and compelling circumstances, the student has twenty (20) working days to access the Institute's complaint and appeal process in accordance with the Student Complaint and Appeal Policy and associated Procedure.

**4.3.5** If the student chooses to access Institute's complaint and appeal process, the Institute will notify the Department of Home Affairs by updating the student's enrolment in PRISMS only where the outcome of the appeal process results in the deferral being granted. If the deferral is granted, the Institute will inform the student of the need to seek advice from the Department of Home Affairs in relation to the potential impact of the deferral on the student's visa.

**4.3.6** The request for deferment of commencement of study, any accompanying evidence, a copy of the written advice to the student of the decision, and records of any appeal including the outcome, will be placed on the student's file and maintained in accordance with the Records Management Policy and associated Procedure.

#### **4.4 Procedure for international students applying for Leave of Absence**

**4.4.1** International students who after commencing their course wish to break in their studies during a Compulsory Study Period(s) will apply in writing by submitting the Student Course Leave of Absence Request Form . All relevant documentation supporting this request should also be submitted. This should be done before the relevant Study Period commences to avoid any financial and/or academic penalties.

**4.4.2** Accounts will then check to see if the student is still financially liable for tuition fees. If the student has no outstanding fees, and the relevant Study Period has not commenced, the student will be asked to pay for two (2) units of fees, which will be credited to the following Study Period(s).

However, if the student has decided to not continue studying after the Leave of Absence being granted, the payment of fees for two (2) units will be assessed for a refund of any unused fees based on the Refund Policy for International and Domestic Students.

**4.4.3** In the event that the request for Leave of Absence demonstrates compassionate and compelling circumstances (as outlined in the International Student Deferment, Suspension and Cancellation Policy) and the student has paid the relevant fees, the Registrar or delegated nominee will approve the application and, within five (5) working days of the Institute receiving the student's application, the student will be advised in writing by Academic Services of:

- the decision; and
- the need to seek advice from the Department of Home Affairs in relation to the potential impact of the Leave of Absence on the student's visa.

**4.4.4** Admissions will access PRISMS to advise the Department of Home Affairs the period of Leave of Absence granted.

**4.4.5** Admissions will ensure that the following tasks are undertaken:

- the student's financial records are adjusted to take account of the period of Leave of Absence;
- e-mail the relevant personnel advising them that the student has suspended their study so that records can be updated;

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**4.4.6** If the request for Leave of Absence does not demonstrate compassionate and compelling circumstances (as outlined in the International Student Deferment, Suspension and Cancellation Policy), the Registrar or delegated nominee will decline the request and, within five (5) working days of the Institute receiving the student's application, will advise the student in writing of the reason for the decision and that the student has twenty (20) working days to access the Institute's complaint and appeal process in accordance with the Student Complaint and Appeal Policy and associated Procedure.

**4.4.7** If the student chooses to access the Institute's complaint and appeal process, the Institute will notify the Department of Home Affairs by updating the student's enrolment in PRISMS only where the outcome of the appeal process results in the Leave of Absence being granted. If the leave is granted, the Institute will inform the student of the need to seek advice from the Department of Home Affairs in relation to the potential impact of the suspension on the student's visa.

**4.4.8** The request for voluntary Leave of Absence, any accompanying evidence and a copy of the written advice to the student of the decision, and records of any appeal including the outcome, will be placed on the student's file and maintained in accordance with the Records Management Policy and associated Procedure.

#### **4.5 Student Initiated Cancellation of Enrolment**

**4.5.1** A student may withdraw from their course by completing the AIH Withdrawal From Course Form.

**4.5.2** International students on a student visa need to complete the first 6 calendar months in their course at AIH before they can transfer to another institution (see Section 6.2 of the International Student Transfer Between Registered Providers Policy).

**4.5.3** An international student on a student visa student who fails to enrol in units in a compulsory study period or does not return after an approved suspension or deferment will be deemed to have withdrawn from their course.

**4.5.4** An international student on a student visa who fails to commence their course as per their Confirmation of Enrolment (CoE) and is not granted an approved suspension or deferment will be deemed to have withdrawn from their course.

#### **4.6 Institute-initiated Suspension of Study or Cancellation of Enrolment**

The following procedure relates to processing an institute-initiated suspension or cancellation of enrolment pursuant to clause 6.3 of the International Student Deferment, Suspension and Cancellation Policy:

**4.6.1** The Program Manager, Registrar, Accounts or a delegate will present to the PEO their intention to suspend a student's studies or cancel their enrolment for misconduct or non-payment of fees together with supporting evidence. Further information can be found in the Student Code of Conduct or the Academic Misconduct Policy and associated procedure.

**4.6.2** The PEO will consider the request to suspend the student's studies, and supporting evidence, and advise the relevant staff members of their decision.

**4.6.3** In the event that the PEO approves the request to suspend a student's studies or cancel their enrolment, the PEO or delegated nominee will write to the student informing them of their intention, the reasons for the decision, the intention to notify the

Department of Home Affairs of the change in enrolment status, and advise the student that if they wish to appeal the decision, they have twenty (20) working days to access the Institute's complaint and appeal process in accordance with the Student Complaint and Appeal Policy and associated Procedure.

**4.6.4** A copy of the letter and supporting evidence along with the documented decision is placed on the student's file.

**4.6.5** If the student chooses to access the Institute's complaint and appeal process, subject to the extenuating circumstances set out below, the Institute will:

- maintain the student's enrolment until the complaint and appeal process is completed; and
- not notify the Department of Home Affairs of any change to the student's enrolment status through PRISMS unless the outcome of the appeal process results in the suspension or cancellation proceeding.

**4.6.6** Extenuating circumstances are those in which the student's health or wellbeing, or the wellbeing of others, is likely to be at risk. These may include, but are not limited to, where the student:

- is missing;
- has medical concerns, severe depression or psychological issues which leads the Institute 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.

**4.6.7** Any claim of extenuating circumstances will need to be supported by appropriate evidence.

**4.6.8** The National Code does not require the Institute to continue providing learning opportunities throughout the twenty (20) working days allowed to appeal the decision and during the internal complaint and appeal process. Based on the nature of the misconduct, the Institute will decide, on a case by case basis, whether to:

- allow the student to continue to attend class;
- make alternative study arrangements for the student; or
- deny the student access to study opportunities.

**4.6.9** In making such a decision, the Institute will consider whether denying the student learning opportunities throughout the twenty (20) day appeal period and the internal complaint and appeal process may disadvantage the student in their subsequent studies, should that process find in their favour.

**4.6.10** If the student:

- chooses not to appeal the suspension of study or cancellation of their enrolment in accordance with the Student Complaint and Appeal Policy and associated Procedure within twenty (20) working days of receiving the Institute's decision to suspend the student's study or cancel the student's enrolment; or
- has unsuccessfully exhausted the internal appeal process under the Student Complaint and Appeal Policy and associated Procedure,

**4.6.11** The suspension of study or cancellation of enrolment will be formally processed and Admissions will access PRISMS to advise the Department of Home Affairs of the change in the student's enrolment in accordance with section 19 of the ESOS Act. Note, that the Institute does not have to wait for the outcome of an external appeal before notifying the Department of Home Affairs of the change to the student's study status.

**4.6.12** Admissions 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 student’s computer access and e-mail;

**4.6.13** Note: If the Institute notifies the Department of Home Affairs through PRISMS that a student’s studies have been suspended for a significant period, the student may be required to return to their home country unless special circumstances exist (for example, the student is medically unfit to travel). While the Institute determines the studying status of the student, it is the Department of Home Affairs who decides whether the student may remain in Australia or must return home. The Department of Home Affairs 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).

#### **4.7 Not Meeting Conditional Offer Requirements**

When a prospective international student receives an Institute 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:

- The prospective international student’s original course intake date may be deferred to the next available intake date provided that the required evidence of educational entry requirements is submitted prior to that relevant intake date. In this instance, all prepaid student fees for the Institute 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.
- If after one approved deferment, the prospective student has still not achieved the required educational entry requirements, the Institute may withdraw the Conditional Offer and provide students with a refund, based on the Refund Policy for International and Domestic Students, except the enrolment fee (please refer to 4.1). This will allow the student to find alternative study arrangements with the conditions of the Institute’s Refund Policy for International and Domestic Students implemented. The Institute may also defer the student for another Study Period with a prepayment of four (4) units of tuition fees which will be fully credited to the Study Period when the student commences.

### **5. Version Control**

This Procedure has been endorsed by the Australian of Higher Education Board of Directors as at June 2023 and is reviewed every three (3) years. The Procedure is published and available on the Australian Institute of Higher Education website <http://www.aih.edu.au/> under ‘Policies and Procedures’.

| <b>Change and Version Control</b> |                    |   |                       |                        |
|-----------------------------------|--------------------|---|-----------------------|------------------------|
| <b>Version</b>                    | <b>Authored by</b> | <b>Brief Description of the changes</b>                                 | <b>Date Approved:</b> | <b>Effective Date:</b> |
| 2016-2                            | Registrar          | Updated template  | 6 July 2016           | 6 August 2016          |
| 2017-1                            | Ms. McCoy          | Restructured document; added box to beginning<br>Revised/edited content | 1 March 2017          | 6 March 2017           |

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|--------|--|--|-------------------|-------------------|
| 2017-2 | Registrar  | Updated to reflect change in the National Code.  | 15 December 2017  | 16 December 2017  |
| 2019-1 | Principal  | Updated the Policy Owner from CEO to Principal. Updated 4.4.7 and 4.3.5.   | 27 September 2019 | 30 September 2019 |
| 2020.1 | Academic Success Manager/Chief Executive Officer | Minor updates: formatting and proofed for student comprehension.   | 24 September 2020 | 25 September 2020 |
| 2021.1 | Chief Executive Officer                          | Amendment from 10 to 20 day for Appeals process  | 28 March 2021     | 28 March 2021     |
| 2022.2 | Registrar  | Updated Higher Education Standards Framework [Threshold Standard] 2021   | 25 May 2022       | 26 May 2022       |
| 2023.1 | Registrar  | Approving authority corrected from CEO to Board of Directors   | 22 June 2023      | 29 June 2023      |
| 2023.2 | Chief Operating Officer                          | Change CEO reference to PEO. 4.1.2 amended to apply to all students, 4.4 updated to change student initiated 'suspension' to 'Leave of Absence'. 4.5 added as new clause and minor edits to reflect Block delivery and multiple intakes. |                   |                   |