

P13 - Deferral, suspension or cancellation/withdrawal of enrolment

1. Purpose

A registered provider must 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.

References

- *The ESOS Act*
- *National Code of Practice for Providers of Education and Training to Overseas Students 2018*
- *Vocational Education and Training Regulator Act 2011*
- *Standards for Registered Training Organisations 2015*
- *ELICOS Standards 2018*
- CRICOS Standards Fact Sheets
- Relevant State Government funding agreements

The following policy and procedure apply to both international and domestic students.

2. Responsibility

- 2.1 The Director of Studies is responsible for the implementation of this policy and procedure.
- 2.2 The decision to defer studies, suspend studies or cancel enrolment will be approved by the Chief Executive Officer, Director of Studies or the Compliance Team Leader. In confirming this decision, the Director of Studies or the Compliance Team Leader may consult with other relevant departments within Baxter Institute. The Director of Studies or the Compliance Team Leader can delegate the responsibilities pertinent to international students such as notifications on PRISMS to the Admissions department.
- 2.3 Baxter Institute must maintain a record of any decisions to defer or suspend an overseas student's enrolment. If Baxter Institute defers or suspends an overseas student's enrolment, they must notify the Department of Education and Training through PRISMS.
- 2.4 If the overseas student's enrolment has been deferred, suspended or cancelled, Baxter Institute must inform the overseas student to seek advice from Home Affairs of the potential impact on their visa.

3. Definitions

Deferment: Only applies prior to a student commencing their selected course of study, it is when a prospective student delays the commencement date of their study. **Deferment cannot be applied for or be approved once a student has commenced their chosen course of study.**

Suspension: is when a student, who has already started yet has not completed their study, requires a leave of absence. If approved, their training plan is suspended with the clear intention that the student will recommence at an agreed date in the future (i.e. temporary suspension).

Cancellation/ withdrawal is when a student is removed from the current course enrolment before they have formally completed the planned training. This student will not be eligible for any subsequent courses for which they may also be registered. A cancellation/withdrawal can be initiated by the student or Baxter Institute

Compulsory study period: A compulsory study period is one in which the student must enrol unless granted a deferment or suspension from enrolment or leave of absence under Standard 9 (Deferring, suspending or cancelling the student's enrolment). A compulsory study period does not include periods in which the student can elect to undertake additional studies.

Critical incident: A traumatic event, or the threat of such (within or outside Australia), which causes extreme stress, fear or injury.

Enrolment: Is where a student has been issued with a CoE to confirm acceptance by Baxter Institute and is occupying a place in the CRICOS registered course for which the student was accepted and is progressing towards the completion of the course requirements. The period of enrolment includes scheduled breaks between study periods

Leave of absence: Is where a student has a requirement to miss scheduled training for reasons other than specified for a deferment or suspension of studies

4. Policy

Deferment of commencement of studies:

A registered provider **may defer** an enrolment of a student if it believes there are compassionate or compelling circumstances.

If a student has received an offer, they may be eligible to apply for a deferral. Deferrals are not available in all courses and are strictly limited in some others. If the course they have received an offer in is deferrable, they will have the option to defer their place when they accept the offer.

Applications for deferral are made by lodging the **AD106.a Deferral Form** prior to the relevant course start date.

Once a deferral request is submitted and processed, the student will be notified via email to check in on the online application system for the outcome of their application request.

Deferrals will only be granted to students who meet one of the following criteria:

- have been issued and have accepted a letter of offer for a course delivered by Baxter Institute
- have been granted a CoE but may not have been granted a Visa
- have paid the required fees for the course stipulated in the letter of offer
- are currently studying at Baxter Institute;
- do not have current deferral in another course.

If the student is not eligible for a deferral, there are several options available which are detailed in this policy. Acceptable reasons for deferment are detailed further in the policy.

Suspension or Cancellation/withdrawal:

Baxter Institute may suspend the enrolment of a student if it believes there are compassionate or compelling circumstances.

Baxter Institute may suspend or cancel a student's enrolment including, but not limited to, because of:

- misbehavior by the student, this includes academic and social misbehaviour practices
- the student's failure to pay an amount they are required to pay Baxter Institute to undertake or continue the course as stated in the written agreement
- a breach of course progress or attendance requirements by the overseas student, which must occur in accordance with Standard 8 (Overseas student visa requirements) of the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (CRICOS Standards).

If Baxter Institute initiates a suspension or cancellation/withdrawal of the overseas student's enrolment, before imposing a suspension or cancellation/withdrawal the RTO must:

- inform the overseas student of that intention and the reasons for doing so, in writing
- advise the overseas student of their right to appeal through the registered provider's internal complaints and appeals process, in accordance with Standard 10 (Complaints and appeals) of the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (CRICOS Standards), within 20 working days.

When there is any deferral, suspension or cancellation/withdrawal action taken under this standard, Baxter Institute must:

- inform the overseas student of the need to seek advice from an immigration agent or Home Affairs on the potential impact on their student visa
- report the change to the overseas student's enrolment under section 19 of the ESOS Act.

The suspension or cancellation/withdrawal of the overseas student's enrolment under Standard 9 of the CRICOS Standards 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.

Acceptable reasons for deferral suspension or leave of absence – requested by student

Baxter Institute may decide to accept an application from a student for deferral of commencement, suspension or cancellation/withdrawal of study on the following grounds:

Acceptable reason	Procedure
where Baxter Institute 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 enrol	Deferment or cancellation/withdrawal
inability to begin studying on the course commencement date due to delay in receiving a student visa	Deferment or cancellation/withdrawal
inability to begin studying on the course commencement date due to serious illness or injury, where a medical certificate states that the overseas student was unable to attend	Deferment or cancellation/withdrawal
inability to begin studying on the course commencement date due to bereavement of close family members such as parents or grandparents (where possible a death certificate should be provided)	Deferment or cancellation/withdrawal
inability to begin studying on the course commencement date due to major political upheaval or natural disaster in the home country causing a delay and this has impacted on the overseas student's commencement of studies	Deferment or cancellation/withdrawal
bereavement of close family members such as parents or grandparents (where possible a death certificate should be provided)	Suspension or leave of absence
major political upheaval or natural disaster in the student's home country causing anxiousness of the student and this has impacted on the overseas student's studies	Suspension, leave of absence or cancellation/withdrawal of studies
Traumatic experience whilst studying which could include: <ul style="list-style-type: none"> • involvement in, or witnessing of a serious accident • 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) • is a witness or is a victim of any fatality or serious injury; 	Suspension, leave of absence or cancellation/withdrawal of studies

<ul style="list-style-type: none"> • is a victim of a serious traffic collision (local & off shore); • is witness to a murder or suicide; • is a witness or victim of physical / sexual assault or domestic violence; • is a victim of severe verbal or psychological aggression; • victim of a fire; • victim of explosion or bomb threat; • victim or witness of a hold up or attempted robbery; • victim or witness of serious threats of violence; • has been affected by storms or natural disasters; (local) • is affected by drug or alcohol abuse. 	
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Acceptable reasons for leave of absence, suspension or cancellation/withdrawal – requested by student

Baxter Institute may decide to accept an application from a student for a leave of absence or suspension or cancellation/withdrawal of study for the following reasons:

Reason provided by student for approval	Procedure
Student wanting to return home to visit family for non-emergency reasons e.g. family reunion, wedding of immediate family member where the time period is less than four (4) weeks	Leave of absence application
Student wanting to have break from studies for that will exceed the published holiday period by Baxter Institute	Suspension where the time period is more than four (4) weeks or leave of absence where the time period is less than four (4) weeks
Baxter Institute not able to offer a pre-requisite unit required to start or complete a course of study	Suspension, leave of absence or cancellation/withdrawal of studies
Experiencing financial difficulties whilst studying	Suspension or cancellation/withdrawal
Experiencing dissatisfaction of study conditions	Cancellation/withdrawal or transfer to another provider
Poor academic progress causing the student to not to be able to continue current enrolment	Cancellation/withdrawal of enrolment or re-enrolment

Other reasons for non-approval (relates to student progress)

If a student does not show satisfactory course progress, if an intervention strategy is in place or if a student is subject to other processes currently underway such as non-payment of tuition fees or breaching Student code of behaviour, then their application for suspension will be denied.

The Director of Studies and or the Chief Executive Officer may use their discretion to still consider applications where there are exceptional circumstances.

Effect on Confirmation of Enrolment (CoE) and Visa

Baxter Institute must tell overseas students that deferring, suspending or cancelling their enrolment on any grounds may affect their student visa.

Under standard 9 of the of the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (CRICOS Standards), there are three possible outcomes for an overseas student's CoE:

Baxter Institute notifies the Department of Education and Training 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. However, the notice of deferment or suspension will be recorded in PRISMS.

Baxter Institute notifies the Department of Education and Training 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 Baxter Institute the opportunity to create a new CoE with a more appropriate end date. If Baxter Institute 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 Baxter Institute of the intended date of return before creating a new CoE.

Baxter Institute notifies the Department of Education and Training 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'. If the overseas student is under the age of 18, the cancellation/withdrawal of a CoE does not cancel a Confirmation of Appropriate Accommodation and Welfare (CAAW), and Baxter Institute is still responsible for welfare arrangements until one of the conditions of Standard 5.6 are met.

Regardless of the reason, if an overseas student's enrolment is deferred or suspended the period of suspension of enrolment (as entered in PRISMS) should not be included in attendance monitoring calculations.

Procedure/s

For International Students:

Students wishing to defer commencement, suspend their studies or cancel their enrolment must apply to do so in writing. To defer or suspend studies, students must complete AD106 Deferral or Suspension Form.

To cancel studies, students must complete **SS115.a Cancellation Application Form**. These forms can be obtained from the head office or can be downloaded from Baxter Institute's website (<https://www.baxter.vic.edu.au/forms/>). Students are subject to a deferral fee of \$200 for all subsequent deferrals granted. The form **SS115.a Cancellation Application** must be submitted at least twenty-one (21) working days (except under exceptional circumstances) prior to the requested deferment or suspension date to enable enough time for the assessment process to complete.

Students requesting for a leave of less than 4 weeks must submit the **SS117 Student Leave Application form** at least 21 working days prior to requested leave commencing date.

Please note: Applications will not be accepted any earlier than twenty-one (21) working days prior to any deferral or suspension of a course

Only under exceptional circumstances will an application submitted in less than 5 working days prior to the requested deferment or suspension date be accepted for Approval. If the student chooses to depart outside of the specified time frame, they risk not obtaining approval of their application.

The reporting to PRISMS and the renewal of the CoE (if applicable) will be issued within five (5) working days after the suspension or deferment date.

It is the student's responsibility to collect the revised CoE from Baxter Institute for any deferral or suspension approved and processed. The admissions team will submit the revised end date of the course via PRISMS.

The student may use the CoE to inform the Department of Home Affairs of the revised end date of the course should they require an extension to their student visa.

Domestic Students:

Students requesting for a leave of less than 4 weeks must submit the SS117 Student Leave Application form at least 21 working days prior to requested leave commencing date.

To cancel their studies, students must complete **SS115.b Cancellation/Withdrawal Application Form**. For students receiving government funding, the withdrawal will be reflected via the SVTS system. Refer to the policy P13.a Withdrawal for Skills First Funding Students.

For All Students:

Completed forms must be submitted, with supporting documents, in person to Student Support team or by email to reception@baxter.vic.edu.au, or post to PO Box 452 Flinders Lane VIC 8009.

If the student is granted a deferral, suspension or cancellation/withdrawal, they will be informed in writing within three (3) working days of receipt of the application. The request will be processed when received by the student administration section of Baxter Institute.

If the request is denied, the student will be informed in writing within five (5) working days of the decision and be provided with details of Baxter Institute's Complaints and Appeals Procedure.

Before making a decision, Baxter Institute will review the application and, if appropriate, the current student history and financial status.

Requests for suspension will be denied for students who are subject to an intervention strategy, in the process of being cancelled for course progress, in arrears with the payments due (either as a result of payment due under the student written agreement or as a result of payment due under an agreed payment schedule agreement) or in breach of the Student code of behavior.

In breach of the Code of Conduct/Student Written Agreement

If a student misbehaves or breaches the student code of behavior (including non-payment of fees) and this is considered to be a serious breach or there are extenuating circumstances, then the Director of Studies or the Chief Executive Officer may, at their discretion, immediately suspend the student (see below). The reasons for the suspension and a written notice of suspension must be clearly stated and sent to the student within one (1) working day of the decision. A full description of the events that occurred before the suspension should be listed and the student must be provided with information of Baxter Institute's complaints and appeals process.

Retrospective suspension or deferment

Students are expected to apply for leave, deferral or suspension at least twenty-one (21) working days prior to the leave commencement date.

If students have taken unauthorised leave of absence then they will be recorded as absent. It is a breach of the Student Code of Conduct for students to not attend scheduled classes without approval, other than for exceptional circumstances.

Retrospective deferment or suspension may only be considered in the most exceptional cases. This may be due to medical emergencies and evidence may be required to support the application. The decision for granting approval is solely at the discretion of the Director of Studies and or the Chief Executive Officer.

For domestic students, retrospective leave must be reported to the Student Support Department using **SS121 Notification of Non-Attendance Form**.

Suspension or Cancellation/withdrawal - initiated by Baxter Institute

The Director of Studies and or the Chief Executive Officer may decide to suspend or cancel a student's enrolment on its own initiative in response to misbehaviour by the student. Student misbehaviour is considered to have occurred if and when a student breaches the requirements of the Student Code of Behaviour as defined in Policy **P01 Student Code of Behaviour Policy and Procedure** (available on Baxter Institute's website or by request).

The student will be informed of an intention to cancel the student's enrolment and inform the student that they have 20 working days plus two days for postal handling to access Baxter Institute's Complaints and Appeal process, as defined in the **P08 Complaints and Appeals Policy and Procedure** (available on Baxter Institute's website or by request). If the student accesses the complaints and appeals process, the suspension or cancellation/withdrawal of the student's enrolment will not take effect until the internal process is completed. If the student lodges an external appeal the suspension or cancellation/withdrawal of the student's enrolment will not take effect until the internal process is completed.

Students who have not completed their course, must return to their studies after study breaks or suspension periods. If students fail to return or re-enrol, they have 'inactively' advised Baxter Institute of not intending to continue studies.

For international students, Baxter Institute may immediately notify the Department of Home Affairs and the Department of Education and Training through PRISMS and terminate the student's enrolment. This report will set the status of the CoE to 'Cancelled'.

Baxter Institute will not send a Notice of Intention to cancel letter nor will there be a chance for students to access the complaints and appeals process.

Cancellation/withdrawal/ Withdrawal

For all students:

If a student requests cancellation/withdrawal/withdrawal of their enrolment, the refund arrangements in the Written Agreement between Baxter Institute and the student will be triggered. In the absence of any such terms (in older student agreements) the rules pertaining at the time of the application will apply. See website for current refund terms and conditions <https://www.baxter.vic.edu.au/policies/>

Students who cancel their enrolment and think they are due for refunds are advised to apply for refunds in accordance with Baxter Institute's Refund Policy. Refund applications must be made in writing on form FN108 Refund Application, which is available on Baxter Institute's website (<https://www.baxter.vic.edu.au/forms/>). Written applications for refunds will be accepted by mail or email to refunds@baxter.vic.edu.au. Refunds will be processed within 20 working days of receipt of a written application and will include a statement explaining how the refund was calculated.

When a student's enrolment is cancelled/withdrawn then the current agreement is terminated. Any application to re-join Baxter Institute is deemed to be a new application and the International or Domestic Application Policy at the time of application will be applied.

For international students:

Application for cancellation/withdrawal of enrolment will not be processed if the student is wishing to transfer to another training provider. The Student Transfer Procedure is governed by Policy P07 Student Transfer (<https://www.baxter.vic.edu.au/policies/>). The transfer procedure must be completed before the cancellation/withdrawal process can be considered to be finalised.

A cancellation/withdrawal of enrolment is usually permitted in the following situations:

- Student visa refusal
- Student has breached their visa conditions
- Student has no study rights in Australia
- Student's visa status has changed

- Student is returning to home country
- Student has completed six months of the principal course (highest course enrolment on the student's initial visa)

When applying for a course cancellation/withdrawal, the student must attach documented evidence that supports his/her reason for cancelling. Documented evidence can include, but is not limited to, an e-ticket and a custom stamp if the student is returning to their home country or formal documentation proving that the student's visa circumstances have changed.

If the student cannot substantiate their claim using sufficient evidence, the assessing officer may contact the student, at their discretion, to request further evidence within ten (10) working days from the receipt of the application. The student typically will be requested to respond within five (5) working days from the date of the request or from the date when the student arrives in their home country, whichever is first.

If the student still cannot substantiate the claim with sufficient evidence, Baxter Institute may refuse the request for cancellation/withdrawal. Should a refund application be submitted at the same time as an application for cancellation/withdrawal (that has been denied), then the refund application will automatically become invalid as the cancellation/withdrawal did not take effect.

For students who are unable to provide sufficient evidence to support their request for cancellation/withdrawal, they are required to commence their course as per the agreed start date. Should a student fail to commence their course, the student will be at risk of having their enrolment cancelled due to the non-commencement of studies, which may affect their entitlement to a refund. For more information, please refer to P26 Fees Refund Policy.

Communication

For all students:

The decision, whether in the favour of the student or not, must be communicated in writing via e-mail. The email will be recorded in the student's file.

Students will be issued with a designated email assigned by the Institute. Example: 12345@student.baxter.vic.edu.au.

For successful applications for deferment, suspension or cancellation/withdrawal, the e-mail must contain the following:

- a. An agreed date for the student to cease study and join/re-join Baxter Institute.
- b. Advice to the student that deferring, suspending or cancelling study may affect their visa.
- c. Advice to successful applications for cancellation/withdrawal that the request has been approved and the agreement will be formally terminated together with a date of when it comes into effect.

For unsuccessful applications for deferment, suspension or cancellation/withdrawal, the e-mail must contain:

- The reasons for denial of request for valid and invalid applications.

For all valid applications, the reasons for the decision together with details of their right to appeal and how to access the appeal process under **Policy P08 Complaints and Appeals** (<https://www.baxter.vic.edu.au/policies/>)

For invalid applications, the student is subject to the process currently underway, for example an invention strategy.

All documentary evidence relating to a deferment, suspension or cancellation/withdrawal must be placed in the student's file.

For international students:

Baxter Institute must inform an international student in all communications that it has to report the student's deferral, suspension or cancellation/withdrawal to the Department of Education and the Department of Home Affairs via PRISMS and that the action may affect the status of his/her student visa.

Where Baxter Institute approves an application to defer commencement, suspend studies or cancel an enrolment, or makes a decision to defer commencement, suspend studies or cancel an enrolment, the Admission Department is responsible for updating PRISMS and issuing the appropriate letter to students.

Baxter Institute must ensure that all international students are informed that:

The suspension or cancellation/withdrawal of their enrolment may affect their student visa and

Baxter Institute will notify the Department of Education and the Department of Home Affairs via PRISMS as required under Section 19 of the ESOS Act where the student's enrolment is deferred, temporarily suspended or cancelled.

For domestic students:

Baxter Institute must inform domestic students that the cancellation/withdrawal of enrolment could affect their future training options and eligibility for further government subsidised training under the Skills First Funding Program.

Complaints and Appeals

If the applicant chooses to initiate the complaints and appeals process (20 working days from the date of issue plus two day's postage and handling) then the decision will be held over until such time as the appeal is heard. Students who are already enrolled will thus continue to be enrolled and their course progress will continue to be monitored.

For international students, if the appeal is not upheld or the student withdraws from the appeal process, Baxter Institute must report the student to the Department of Education and the Department of Home Affairs via PRISMS. The suspension or cancellation/withdrawal of the student's enrolment cannot take effect until the appeal process is completed unless there are extenuating circumstances relating to the student's welfare.