

## 1 Overview

### Purpose

The purpose of this document is to articulate EQUALS' approach to Students regarding the deferral, suspension, cancellation of, and withdrawal from, their studies.

In relation to international students, this policy is intended to reflect the Standard 9 of the [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#) (Deferring, suspending or cancelling the overseas student's enrolment). EQUALS seeks to ensure that its current processes are fair and equitable.

### Scope

This policy applies to all currently enrolled domestic and international students.

## 2 Policy statement

This policy addresses the following situations:

- Requests by students for deferral of or withdrawal from studies,
- Cancellation or suspension of studies initiated by EQUALS.

### 2.1 Deferral of Studies

2.1.1 **Domestic Students** may submit a request for deferral of their studies if they have a valid reason.

2.1.2 **International Students** – in accordance with the ESOS Act and the National Code (Standard 9) EQUALS can only grant a deferral or suspension of studies of international students if there are Compassionate or Compelling Circumstances. If an International Student wishes to seek a deferral of their studies without being able to demonstrate Compassionate or Compelling Circumstances, they are required to withdraw and re-apply at such time that they are in a position to resume their studies.

2.1.3 Deferral may be sought at any time and for a period of not more than (1) year, except in the case of funded or subsidised training arrangements where the maximum deferral period is less than six (6) months. In that case, the lesser deferral period will apply. Students who are approved to defer are advised that their recommencement date will be the first available study period commencement that falls after their requested return date.

### 2.2 Suspension or Cancellation of Studies

2.2.1 EQUALS has the right to suspend or cancel the enrolment of a Student on the following grounds:

- Misbehaviour or breaches of the [Student Partnership Agreement](#) (including the non-payment of fees)
- Compassionate or Compelling Circumstances
- failure to make satisfactory course progress in accordance with the [Student Course Progress \(VET\) Policy and Procedure](#)
- discovery of fraudulent evidence or documents given to EQUALS.

2.2.2 International students whose enrolment is subject to deferral, suspension or cancellation may affect their student visa. International students must seek advice from the [Department of Home Affairs](#) regarding the potential impact on their visa if enrolment is deferred, suspended or cancelled.

- 2.2.3 EQUALS will maintain a record of decisions to defer or suspend an international student's enrolment.
- 2.2.4 Where EQUALS defers or suspends an international student's enrolment, the Australian government will be notified through the Provider Registration and International Student Management System (PRISMS).

### 2.3 **Withdrawal**

- 2.3.1 Students seeking to withdraw are required to notify EQUALS of their intention to withdraw.
- 2.3.2 Circumstances for Withdrawal:

#### **Withdrawal from Course – Domestic**

A Domestic Student can notify EQUALS of the intention to withdraw at any time by completing the relevant [Withdrawal Application Form](#) or by another means (i.e. email) approved by EQUALS;

#### **Withdrawal from Course – International**

An International Student may be granted withdrawal from their course where:

- they have applied for and been accepted into another course within EQUALS;
- they have been accepted into a course within another registered provider (this will initiate the [Student Transfer Between Registered Providers Policy & Procedure](#));
- they have had changes to their visa (e.g. such as being granted a Spouse visa or Permanent Residency);
- they initiate student visa cancellation by leaving Australia; or
- other situations where a Student's circumstance has changed (e.g. change in employment or financial status).

- 2.3.3 In the first instance and where possible, a Student Services Advisor will contact the Student to discuss their decision and to conduct an exit interview.

## 3 **Procedure**

- 3.1 The Student wishing to apply for deferral or withdrawal is required to give notice of their application via the approved Webform:
- (a) International Students must provide evidence to support the application. Supporting documentation may include a medical certificate, plane tickets, police report or other evidence as deemed acceptable by EQUALS.
  - (b) Domestic Students have the right to request deferral or withdrawal, in writing, without documentary evidence.
- 3.2 The Deferral and Withdrawal Webforms are available to EQUALS Students via their individual log-in access to the [Student Centre on EQOnline](#) (Moodle).
- 3.3 Where completion of the Webform is not possible, or where additional details are required by EQUALS, written notice in another format as per the definitions above may be acceptable at the discretion of EQUALS. The designated staff member must be satisfied that the request originates from the Student (e.g. is sent from the Student's registered email address).

- 3.4 Student enrolment status will be updated upon notice of their application (e.g. deferral in process, withdrawal in process) until outcomes are resulted. Enrolment status reasons are updated as per relevant processes.
- (a) Domestic Students giving notice of deferral or withdrawal on or prior to a census date must be processed as per the date the notification was given. This date will be known as the Approval Date irrespective of whether the standard EQUALS form was used. Where applicable, disconnection from VET Student Loan Unit of Study is recorded and any eligible refunds is processed.
- 3.5 The Webform application together with supporting evidence will be reviewed, and a fee check performed by the designated staff member. Applications are recorded irrespective of their outcome.
- (a) Where an application is denied due to lack of evidence, a Student Services Advisor will contact the Student directly to request further evidence.
  - (b) Where an application is denied due to outstanding fees, the designated staff member will contact the Student directly advising of the outstanding fee amount and a request for payment within seven (7) days will be made.
- 3.6 If EQUALS defers or suspends a student's studies for compassionate or compelling reasons, EQUALS will ensure the international student has a valid eCoE in PRISMS with a start date that reflects the student's intended date of return to studies.
- 3.7 Students will be advised of the outcome of their request, or decision to cancel or suspend their enrolment. Emails are sent to the student's registered email address as recorded in the Student Portal.
- (a) A notification of outcome will be sent to the Student. This notice will inform international student of the need to seek advice from Immigration regarding the potential impact on their student visa.
  - (b) Any Student whose request is denied is required to maintain their enrolment and course progress as per the terms of their enrolment.
- 3.8 Where possible, the Student should acknowledge the decision by return email or by read receipt record.
- 3.9 The Student will be cancelled from classes scheduled for the approved deferral period.
- 3.10 Details of the original request and supporting documentation will be maintained electronically in the Student's file on the Student Management System.
- 3.11 For approved withdrawals, EQUALS will perform file closure processes which include:
- (a) Generate, store and provide Interim Statement/Statement of Attainment (where relevant and where fees are paid in full);
  - (b) Fee check and refund (where relevant);
  - (c) Cancellation of eCoE;
  - (d) Disconnection from VET Student Loan Units of Study (if withdrawal is requested on or prior to relevant census date) and termination of funding contract (where relevant);
  - (e) Cancellation of timetabled classes from the date of approved withdrawal;
- 3.12 Student Services staff monitor deferral returns prior to study period start dates. Students returning from deferral are sent an electronic notice confirming recommencement. EQUALS will implement the Cancellation and Suspension Policy and Procedure where Students do not return as per approved deferral dates.

## 4 Student Appeals

- 4.1 Following the notification of an outcome in relation to a student's request for deferral or withdrawal, or decision to suspend or cancel their enrolment, the Student has twenty (20) working days to access EQUALS' [Grievance Handling Policy and Procedure \(Academic and Non-Academic\)](#).
- 4.2 A suspension or cancellation will not take effect until:
- after the internal appeal process has been completed, or
  - in the case of course progress and/or attendance breaches – after the completion of both the internal and external appeals process.
- 4.3 A student will not be given the opportunity to appeal a decision by EQUALS to suspend or cancel their enrolment where the student's health or wellbeing, or the wellbeing of others, is likely to be at risk (this exception must be supported by evidence and retained on file). This may include, but is not limited to when the student:
- (a) refuses to maintain approved care arrangements, if they are under 18 years of age;
  - (b) is missing;
  - (c) has medical concerns, severe depression or psychological issues which lead EQUALS to fear for the student's wellbeing;
  - (d) has breached the Student Partnership Agreement, e.g. where the student threatens to engage in behaviour that is reasonably believed to endanger the international student or others; or
  - (e) is at risk of committing a criminal offence.

## 5 Responsibilities

### Compliance, monitoring and review

- Aligns with relevant legislation, government policy and EQUALS values.
- Is implemented and monitored to reflect the changing policy environment and emerging issues identified.
- Is reviewed to evaluate its continuing effectiveness in achieving its purpose and remaining relevant.

## 6 Definitions

**Cancellation:** the termination of a student's enrolment.

**Compassionate or Compelling Circumstances:** are circumstances that are generally beyond the control of the Student and have an impact on the Student's academic progress or wellbeing. These include but are not limited to:

- serious illness or injury occurring after enrolment. This must be supported by a medical certificate stating when the injury occurred, or illness commenced;
- bereavement of close family members such as parents or grandparents (evidence of death certificates is required);
- major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the Student's studies; or

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- 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.

Additional compassionate or extenuating circumstances may apply, and EQUALS will make a professional judgment and assess each case on its individual merits. Counselling is available to Students.

**Course:** the series of units in which a student enrolls and which, when completed, will lead to conferral of a designated award.

**Deferral:** a delayed commencement of, or a postponement of the continuation, of studies for a period of time at the initiation of a student.

**Misbehaviour:** conduct by student including but not limited to:

- Harassment or intimidation of another Student, member of staff of EQUALS, a visitor to EQUALS, or any other person while the Student is engaged in study or any other EQUALS related activity as an EQUALS Student because of another person's race, ethnic or national origin, sex, marital status, sexual preference, disability, age, political conviction, religious belief or for any other reason;
- Academic Misconduct including attempts by a Student to cheat, plagiarise or otherwise act dishonestly in undertaking an assessment task, or assisting another Student to do so. Students are considered guilty of cheating if they seek to gain advantage by unfair means;
- Preventing or disrupting learning;
- Disobeying/failing to comply with contractual or legal requirements (including payment of fees);
- Misusing, damaging or stealing property of the property of others;
- Altering or defacing EQUALS documents or records;
- Prejudices the good order and governance of EQUALS or interferes with the freedom of other people to pursue their studies, carry out their function or participate in any EQUALS activities;
- Wilfully disobeys or disregards any lawful order or direction;
- Refuses to identify him or herself when lawfully asked to do so by an employee of EQUALS;
- Fails to comply with any penalties imposed for breach of discipline;
- Misbehaves in a class, meeting or other activity under the control or supervision of EQUALS, or on EQUALS premises or other premises to which the Student has access to as a Student of EQUALS;
- Act dishonestly in relation to admission to EQUALS;
- Knowingly makes false or misleading representation about things that concern the Student as a Student of EQUALS or breaches any of EQUALS rules;
- Breach any confidence of EQUALS;
- 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 equipment, communications equipment, processing or production equipment or any other property that the Student has access to as a Student of EQUALS; or
- Steals, destroys or damages a facility or property of EQUALS or the damage to any other property that EQUALS may be responsible for.

**Notice:** includes but is not limited to a communication given via webform, telephone, fax, email, text messaging and/or postal/hand delivered correspondence. The words "Notify", "Notified" and "Notification" means to give Notice.

**Student:** a person enrolled in a formal course of learning.

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**Student Partnership Agreement:** a document that is set out in the [Student Handbook](#) that gives Students a clear understanding of what they can expect from EQUALS, and what commitments they need to make in return.

**Study Period:** for Vocational Education Training courses: 1 term.

**Suspension:** the temporary postponement of studies being undertaken by a student at the initiation of EQUALS.

**Unit:** a component of a course of study with specified unit learning outcomes.

**Withdrawal:** a formal procedure where a student decides to discontinue a course without the intention of returning or discontinues a unit with the intention of enrolling in it at a later date.

**Withdrawal date:** the date specified in the written notice as the date a student's withdrawal takes effect or when the student's enrolment was cancelled.

### 7 Approval and Amendment History

Version	Approved by	Approval Date	Details
	CEO	24/03/2016	Refer archived policy.
1.0	CEO	26/02/2019	Updated overview and terminology, minor updates throughout policy and procedure including edits to responsibilities, definitions, and comprehensive document map and clearer alignment to the appropriate responsible person/body. Changed 'learner' to 'student'. Included the suspension and cancellation policy. Change of policy number from 3-6000a to current.

### 8 Document Map

<b>Approval Authority:</b>	Executive Management Committee	<b>Advisory Committee for Approval Authority</b>
<b>Authorised By:</b>	Chief Executive Officer	
<b>Effective from:</b>	28/02/2019	
<b>Next Review Date:</b>	28/02/2022	
<b>File Location:</b>	The current version of this policy can be accessed from the <a href="#">Policy Register</a> (internal users only)	
<b>Relevant Legislation:</b>	<a href="#">Education Services for Overseas Students Act 2000</a> <a href="#">National Code of Practice for Providers of Education and Training to Overseas Students 2018</a> <a href="#">Standards for Registered Training Organisations 2015</a>	
<b>Related Documents and/or Registers:</b>	<a href="#">Commonwealth Register of Institutions and Courses for Overseas Students</a> <a href="#">Deferral Application Form</a> <a href="#">Governance &amp; Quality Assurance Framework</a> <a href="#">Grievance Handling Policy and Procedure (Academic and Non Academic)</a> <a href="#">Student Fees and Refunds Policy and Procedure</a> <a href="#">Student Handbook</a> <a href="#">Student Course Progress (VET) Policy and Procedure</a> <a href="#">Student Transfer Between Registered Providers Policy and Procedure</a> <a href="#">Withdrawal Application Form</a>  Internal users only: <a href="#">Cancellation of Enrolment Letter (F 112)</a> <a href="#">Deferral application approved (F 870)</a> <a href="#">Deferral application declined (F 870b)</a> <a href="#">Withdrawal Confirmation (Granted)</a> <a href="#">Withdrawal Confirmation (Not Granted)</a>	
<b>Policy Subdivision</b>	<input type="checkbox"/> Corporate or Academic Governance <input type="checkbox"/> Academic Management <input checked="" type="checkbox"/> Operational Management	
<b>Administrator:</b>	Quality Advisor	