

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

1. Introduction

The Australian Performing Arts Conservatory (APAC) International Student Deferment, Suspension and Cancellation of Study Policy and Procedure sets out the purpose, scope, principles and policy statements, procedures and responsibilities relating to managing international student deferment, suspension and cancellation of study. This Policy and Procedure has been developed in accordance with Standard 9 of the *National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code)*.

1.1. Purpose

The intent of this document is to set out APAC's framework to effectively manage:

- international student deferment suspension and cancellation of study requests; and
- APAC initiated suspension of studies or cancellations in a manner compliant with Standard 9 of the National Code.

1.2. Scope

This Policy and Procedure applies to international students, staff and members of decision-making bodies.

1.3. Principles

- The management of international student deferment, suspension and cancellation of study is fair, equitable, reasonable, transparent, and consistent;
- The management of international student deferment, suspension and cancellation of study complies with Standard 9 of the National Code;
- APAC will provide clear, comprehensive, accurate and easily accessible information on international student deferment, suspension and cancellation of study. This includes publishing the potential implications for Australian student visa holders on the APAC website and in the Student Handbook; and
- APAC takes proactive and pre-emptive action to address systemic issues identified through the review of instances of international student deferment, suspension and cancellation of study.

2. Policy Statements

2.1. Fairness, Equity, Reasonableness, Transparency and Consistency

APAC is committed to ensuring its activities are free from bias and unlawful discrimination. APAC's processes and practices relating to its students exemplify fairness and reflect due process. APAC's management of students must be equitable. This takes into account the particular circumstances and characteristics of students. Decision-making must be reasonable. Decisions take appropriate account of all relevant information and circumstances. The deliberations will arrive at conclusions based on sound reasoning: it is prompt, objective, and straightforward. Decision outcomes result from consistently applied criteria, allowing for the fact that a changing regulatory environment may lead different decision outcomes over time.

Processes and practices relating to the management international student deferment, suspension and cancellation of study exemplify these values. They also ensure compliance with Standard 9 of the National Code.

2.2. Communication

Fairness, equity and transparency underpin the effective communication of information regarding international student deferment, suspension and cancellation of study. Such information also covers the potential implications of deferment, suspension or cancellation of studies for Australian student visa holders. APAC ensures that clear, comprehensive, accurate and easily accessible information is available on the website, in the Student Handbook, and in information provided prior to enrolment. The Written Agreement signed by international students in the offer acceptance process includes an outline of the matters covered in this Policy and Procedure.

2.3. Review and Improvement

APAC's approach to the management of international student deferment, suspension and cancellation of study is regularly reviewed. The reviews will use feedback from students and staff, advice from external experts, and benchmarking with processes and practices at other institutions. Issues identified in the review process, including issues concerning compliance with mandated standards and the proper application of this Policy and Procedure, are expeditiously addressed. Identified opportunities for improvement are considered and pursued where feasible.

3. Procedure

3.1. Student-Initiated Deferment, Suspension and Cancellation of Study

3.1.1. Overview

Under Standard 8 of the National Code of Practice for Providers of Education and Training to Overseas Students 2018, APAC must not extend the duration of an international student's enrolment if the international student is unable to complete the course within the expected duration, unless:

- There are compassionate or compelling circumstances, as assessed by APAC on the basis of demonstrable evidence; or
- APAC has implemented, or is in the process of implementing, an intervention strategy for the international student because the international student is at risk of not meeting academic progress requirements; or
- An approved deferral or suspension of the international student's enrolment has occurred.

International students may apply to defer their study if they are unable to commence their course on the scheduled course commencement date. They may apply for voluntary suspension of their study if they are unable to attend the course for a specified period because of compassionate or compelling circumstances. They may voluntarily withdraw from a course at any time, noting if this withdrawal is within six months of course commencement and a letter of release is requested, this may be denied under the *International Student Transfer Between Registered Providers Policy and Procedure*.

Compassionate or compelling circumstances are generally those beyond the control of the student and which have a detrimental impact on the student's capacity or ability to progress through a course. Compassionate or compelling circumstances can include:

- serious illness or injury where a medical certificate states that the student was unable to attend classes or study;
- bereavement of close family members such as parents or grandparents, with supporting documentary evidence;
- major political upheaval or natural disaster in the home country requiring a student's emergency travel to their home country or evidence from a psychologist that the situation in their home country has had a detrimental impact on the student's studies;
- a permanent or temporary disability which is supported by a medical assessment that recommends a break from study or a reduced study load;
- a traumatic experience which could include, but is not limited to, involvement in or witnessing of an accident or a crime committed against the student, or the

student has been a witness to a crime, and this has had impact on the student. These cases should be supported by police or psychologists' reports; and

- inability to begin studying on the course commencement date due to delay in receiving a student visa.

The above are examples provided by the Department of Home Affairs of what may be considered compassionate or compelling circumstances. APAC staff involved in the relevant decision-making process must exercise their professional judgement in determining if there are compassionate and compelling circumstances. APAC staff must assess each application on its individual merits. When determining whether compassionate or compelling circumstances exist, all documentary evidence provided to support the claim is considered. Copies of these documents, together with a detailed record of why the decision was made is retained in the student's file.

International students are advised of the circumstances and consequences regarding deferment, suspension, or cancellation of study prior to enrolment and during the student orientation process. International students applying to defer, suspend or withdraw from their study will be reminded on the Application for Deferment for Higher Education Domestic and International Students; the Application for Suspension of Studies for Higher Education Domestic and International Students; and the Application for Withdrawal for Higher Education Domestic and International Students that a successful application may affect their student visa. International students are advised to contact the Department of Home Affairs regarding the potential impact any deferment, suspension or withdrawal of study may have on their student visa prior to formally lodging an application to defer, voluntarily suspend or withdraw from their study.

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

3.1.2. Deferring Commencement

- i. International students wishing to defer the commencement date of their course must apply to the Director of Higher Education (DoHE) in writing using the *Application for Deferment for Higher Education Domestic and International Students* on or before the course commencement date. The Application must be accompanied by documentation clearly demonstrating the compassionate or compelling reasons why the deferment should be granted.
- ii. Students are advised to retain their original documents for their own records and to submit certified copies with any applications for deferment.
- iii. In the event that the request for deferment of study demonstrates compassionate or compelling circumstances, the DoHE will approve the application and advise the student in writing of the decision within five (5) working days.
- iv. The Reporting Officer will report the period of deferment granted on PRISMS.

- v. International students approved a deferral will not incur an academic or financial penalty if submitted on or before the course commencement date. Fees already paid for the deferred trimester will be credited to the next trimester upon the student's return. Academic and financial penalties may apply if this application is submitted after the course commencement date has passed.
- vi. If the request for deferment of commencement of study does not meet the requirements for compassionate or compelling circumstances, the DoHE will not approve the application, and will advise the student in writing within five (5) working days of the detailed reason for the decision.
- vii. If the request for deferment is not approved, the student is advised that they have twenty (20) working days to appeal the decision, in accordance with the APAC Student Complaints and Appeals Policy and Procedure.
- viii. The request for deferment of course commencement, any accompanying evidence and a copy of the written advice to the student of the decision will be placed on the student's file and the Student Deferment Register updated.

3.1.3. Voluntary Suspension of Study

- i. International students wishing to suspend their studies must apply to the DoHE in writing using the *Application for Suspension of Studies for Higher Education Domestic and International Students*. The application must be accompanied by documentation clearly demonstrating the compassionate or compelling reasons why the leave should be granted.
- ii. Students are advised to retain their original documents for their own records and to submit certified copies with any applications for suspension.
- iii. The DoHE will make an appointment to meet with the student to discuss their request; advise the student if there are any fees owing to APAC and discuss how payment would be settled or transferred; and will also check if there are any library books, learning resources or other items on loan to the student and discuss potential arrangements for their return.
- iv. In the event that the request for a suspension of studies demonstrates compassionate or compelling circumstances, the DoHE will approve the application and will advise the student in writing of the decision within five (5) working days.
- v. The Reporting Officer will report the period of suspension of studies granted on PRISMS within thirty-one (31) days.
- vi. The Admissions and Compliance Manager will:
 - ensure that the student's financial records are adjusted to take account of the period of suspension of study;
 - email the relevant staff advising them that the student has suspended their study so that records can be updated, and any necessary arrangements

made; and

- make a diary entry to set a reminder for when the student is due back.
 - record the suspension in the Student Suspension of Studies Register.
- vii. If the request for Leave a suspension of studies not demonstrate compassionate or compelling circumstances, the DoHE will not approve the request and will advise the student in writing within five (5) working days of the detailed reason for the decision.
- The DoHE must consider whether other APAC student support resources may be appropriate. If so, the DoHE must ensure these support resources are made available for the student.
- viii. If the request for a suspension of studies is not approved, the student is advised that they have twenty (20) working days to appeal the decision, in accordance with the APAC Student Complaints and Appeals Policy and Procedure.
- ix. If the student chooses to appeal, APAC will maintain the student's enrolment, and will not notify any change to the student's enrolment status through PRISMS, until the appeal process is completed.
- x. The request for a suspension of studies, any accompanying evidence, and a copy of the written advice to the student of the decision will be placed on the student's file.
- xi. Failure by a student to return from a scheduled suspension of studies will result in the cancellation of the student's enrolment for course abandonment.

3.1.5 Voluntary Withdrawal from a Course

- i. Students wishing to voluntarily withdraw from their course will advise the DoHE in writing using the *Application for Withdrawal for Higher Education Domestic and International Students* of their intention to withdraw.
- ii. A copy of the request and any supporting documentation, along with any comments from the DoHE, is placed on the student's file.
- iii. The cancellation of the student's enrolment is formally processed. The Reporting Officer will report the withdrawal on PRISMS within thirty-one (31) days.
- iv. Noting if this withdrawal is within six months of course commencement and a letter of release is requested, this may be denied under the International Student Transfer Between Registered Providers Policy and Procedure. The Admissions and Compliance Manager will:
 - ensure that the student's financial records are adjusted to take account of the cancellation of enrolment.
 - email relevant staff advising them that the student's enrolment has been cancelled so that records can be updated, and any necessary arrangements

are made.

- update the Student Withdrawal Register.

3.2. APAC-Initiated Suspension or Cancellation of Study

APAC may initiate a suspension of studies or cancellation of an international student's enrolment on the following grounds, but not limited to:

- misbehaviour by the student;
- student's failure to pay an amount they are required to pay APAC to undertake or continue the course as stated in the Written Agreement; or
- a breach of course progression requirements by the student.

APAC's decision to initiate a suspension of studies or cancellation of an international student's enrolment will be in accordance with and follow the procedures of the;

- Academic Honesty and Misconduct Policy and Procedure;
- International Student Refund Policy and Procedure;
- Attendance, Progression and Exclusion Policy and Procedure; and
- Student Code of Conduct.

Students are advised in writing of APAC's intention to suspend or cancel their enrolment and the detailed reasons for this decision.

Students are advised to seek advice from the Department of Home Affairs on the potential impact on their student visa of their suspension or cancellation of enrolment.

Students are advised in writing of their right to appeal this decision through the Student Complaints and Appeals Policy and Procedure. Students have twenty (20) working days from the date their intention to suspend or cancel has been received to submit their appeal.

The cancellation of the international student's enrolment cannot take effect until the internal appeals process is completed, unless the international overseas student's health or wellbeing, or the wellbeing of others, is likely to be at risk.

4. Responsibilities

4.1 The Board of Directors

The Board of Directors is responsible for;

- ensuring compliance with relevant legislation and regulatory requirements through the oversight of APAC activities and the development, monitoring and review of policies and practices and initiating prompt action where compliance is deemed to have lapsed.

- assuring itself that there is an effective system in place for managing international student deferment, suspension and cancellation of study, compliant with mandated standards, in particular Standard 9 of the National Code.

4.2 Chief Executive Officer

The CEO is responsible for;

- effectively discharging the decision-maker role assigned to the CEO in this Policy and Procedure and aligned policies and procedures;
- ensuring that the system in place for managing international student deferment, suspension and cancellation of study complies with education obligations under Standard 9 of the National Code;
- ensuring that the system in place for managing international student deferment, suspension and cancellation of study is regularly reviewed, identified deficiencies expeditiously addressed, and opportunities for improvement pursued where feasible.

4.3 The Director of Higher Education

The Director of Higher Education is responsible for effectively discharging the decision-maker role assigned to the DoHE in this Policy and Procedure and aligned policies and procedures.

4.4 The Director of Operations & Student Services

Where a deferral, suspension or cancellation action is taken for an international student on a student visa, the Director of Operations & Student Services or their delegate is responsible for reporting the change to the international student's enrolment via PRISMS as per Standard 9 of the National Code.

4.5 Staff

APAC staff are responsible for:

- acting in accordance with this Policy and Procedure; and
- seeking any advice required to properly and effectively meet their responsibilities in relation to this Policy and Procedure.

5. Relevant Documents

- APAC Application for Deferment for Higher Education Domestic and International Students
- APAC Application for Suspension of Studies for Higher Education Domestic and International Students
- APAC Application for Withdrawal for Higher Education Domestic and International Students
- APAC Academic Honesty and Misconduct Policy and Procedure
- APAC Attendance, Progression and Exclusion Policy and Procedure

- APAC International Student Refund Policy and Procedure
- APAC Student Code of Conduct
- APAC Student Complaints and Appeals Policy and Procedure
- APAC Student Deferment Register
- APAC Student Withdrawal Register
- APAC Student Suspension of Studies Register
- Higher Education Standards Framework (Threshold Standards) 2021
- National Code of Practice for Providers of Education and Training to Overseas Students 2018

6. Definitions

- **International Student** is a student who holds an Australian student visa which provides approval to study in an APAC course. It refers to a student who is not an Australian citizen (including Australian citizens with dual citizenship), a New Zealand citizen, a permanent humanitarian visa holder or a holder of a permanent visa other than a permanent humanitarian visa.
- **PRISMS** is the Provider Registration and International Student Management System, used in relation to the management of Australian student visas and to comply with the ESOS Act.

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