

## INTERNATIONAL STUDENT DEFERMENT, SUSPENSION AND CANCELLATION OF STUDY POLICY AND PROCEDURE

### 1. Background

Under the requirements of the ESOS regulatory framework<sup>1</sup>, if an international student (for the purposes of this policy “a student”) has enrolled in a course at Australian Performing Arts Conservatory (“the Institution”) they are not permitted to defer commencement of their study, or suspend their study, except on the grounds of illness evidenced by a doctor's certificate, or other exceptional compassionate circumstances beyond the control of the student. If a student defers or suspends their study on any other grounds, the Institution must report the student via PRISMS, as not complying with their visa conditions.

If a student is found to have engaged in academic or non-academic misconduct the Institution may suspend or cancel the student’s enrolment. A student may also withdraw from a course and thereby cancel their study for their own reasons.

This policy and procedure is designed to provide a procedure for assessing, approving and recording deferment of the commencement of study, suspension of study or cancellation of study for international students, including maintaining a record of any decisions.

### 2. Student-initiated application for deferment or suspension of study

#### **Overview**

International students may apply to defer their study if they are unable to commence their course on the scheduled commencement date or for voluntary suspension of their study if they are unable to attend the course for a specified period, in compassionate or compelling circumstances.

Compassionate or compelling circumstances are generally those beyond the control of the student and which are likely to have an impact upon the student’s course progress or wellbeing and could include, but are not limited to:

- a. serious illness or injury, where a medical certificate states that the student will be unable to attend classes.
- b. death or illness of close family members such as parents or grandparents (where possible, a doctor’s or death certificate should be provided).
- c. major political upheaval or natural disaster in the international student’s home country requiring emergency travel and this has impacted, or will impact, on the student’s study.
- d. a traumatic experience which could include:
  - i. involvement in, or witnessing of a serious accident; or
  - ii. witnessing or being the victim of a serious crime,
  - iii. and this has impacted on the student (these cases should be supported by police or psychologist’s reports).
- e. where the Institution was unable to offer a pre-requisite unit.
- f. inability to begin studying on the course commencement date due to delay in receiving a student visa.

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<sup>1</sup> Refer to *ESOS Compliance Framework Policy*

International students may also defer or suspend their study with the Institution for other reasons; however, the student will be required to provide compelling documentary evidence to support their request.

International students are advised of the circumstances and consequences regarding deferment or suspension of study prior to enrolment and during the student orientation process. International students applying to defer or suspend their study will be reminded on the *International Student Application for Deferment, Suspension or Cancellation of Study* 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 or suspension of study may have on their student visa prior to formally lodging an application to defer or voluntarily suspend their study.

The maximum time allowed for a deferment or voluntary suspension of study is [one trimester].

### **Procedure**

- 2.1 The following procedure applies to international students applying for a **deferment of commencement of study**:
  - 2.1.1 International students who wish to defer the commencement date of their course must advise the [Director of Higher Education] in writing on the *International Student Application for Deferment, Suspension or Cancellation of Study* of their request accompanied by documentation clearly demonstrating the compassionate or compelling reasons why the deferment should be granted.
  - 2.1.2 In the event that the request for deferment of study demonstrates compassionate and compelling circumstances (as outlined above) the [Director of Higher Education] will approve the application and advise the student in writing of the decision within 5 working days.
  - 2.1.3 The Reporting Officer will access PRISMS to input the period of deferment granted.
  - 2.1.4 If the request for deferment of commencement of study does not meet the requirements for compassionate and compelling circumstances (as outlined above) the [Director of Higher Education] will not approve the application and will advise the student in writing within 5 working days of the reason for the decision and that the student has 20 working days to appeal the decision through the Institution's grievance handling procedures.
  - 2.1.5 The request for deferment of commencement of study, any accompanying evidence and a copy of the written advice to the student of the decision will be placed on the student's file.
  - 2.1.6 Students are advised to retain their original documents for their own records and to submit certified copies with any applications for deferment or suspension.
- 2.2 The following procedure applies to international students requesting a **voluntary suspension of their study**:
  - 2.2.1 International students who wish to voluntarily suspend their study will advise [Director of Higher Education] in writing on the *International Student Application for Deferment, Suspension or Cancellation of Study* that they wish to apply for a voluntary suspension of their study. The [Director of Higher Education] will make an appointment to meet with the student to discuss their request. The [Director of Higher Education] will also advise the student if there are any fees owing and discuss how payment will be settled. The [Director of Higher Education] will also check to see if there are any library books, learning resources or other items on loan to the student and make arrangements for their return.

- 2.2.2 In the event that the request for suspension of study demonstrates compassionate and compelling circumstances (as outlined above) the [Director of Higher Education] will approve the application and will advise the student in writing of the decision within 5 working days.
- 2.2.3 The Reporting Officer will access PRISMS to input the period of suspension granted.
- 2.2.4 The [Compliance Officer] will ensure that the following tasks are undertaken:
- the student's financial records are adjusted to take account of the period of suspension of study.
  - email the relevant personnel advising them that the student has suspended their study so that records can be updated, and any necessary arrangements made.
  - make a diary entry to set a reminder for when the student is due back.
- 2.2.5 If the request for suspension of study does not demonstrate compassionate and compelling circumstances (as outlined above) the [Director of Higher Education] will not approve the request and will advise the student in writing within 5 working days of the reason for the decision and that the student has 20 working days to appeal the decision through the Institution's grievance handling procedures.
- 2.2.6 If the student chooses to access the Institution's grievance process, the Institution will maintain the student's enrolment until the grievance process is completed and the Institution will not notify any change to the student's enrolment status through PRISMS.
- 2.2.7 The request for voluntary suspension of study, any accompanying evidence and a copy of the written advice to the student of the decision will be placed on the student's file.
- 2.2.8 Students are advised to retain their original documents for their own records and to submit certified copies with any applications for voluntary suspension of their studies.

### 3. Student-initiated cancellation of study

#### Overview

A student may voluntarily withdraw from a course at any time. In this case the student's enrolment will be cancelled and the following procedure will apply.

#### Procedure

The following procedure relates to processing a student-initiated cancellation of enrolment:

- 3.1 The student will advise the Director of Higher Education in writing on the *International Student Application for Deferment, Suspension or Cancellation of Study* of their intention to withdraw from their study.
- 3.2 A copy of the request and any supporting documentation along with any comments from the Director of Higher Education is placed on the student's file.
- 3.3 The cancellation of the student's enrolment will be formally processed and the Reporting Officer will access PRISMS to advise the change in the student's enrolment status.
- 3.4 The [Compliance Officer] will ensure that the following tasks are undertaken:
- the student's financial records are adjusted to take account of the cancellation of enrolment, if applicable.

- email relevant personnel advising them that the student's enrolment has been cancelled so that records can be updated and any necessary arrangements are made.

#### 4. Institution-initiated suspension of study or cancellation of enrolment

##### Overview

All international students are subject to the potential for Institution-initiated suspension of study or cancellation of enrolment, in accordance with Standard 9, based on, but not limited to:

- misbehavior by the international student,
- failure to pay the required amount to undertake or continue the course as stated in the written agreement; or
- a breach of course progress or attendance requirements.

Further details on the above matters are found in the following relevant policies:

- academic and non-academic misconduct - *Academic Honesty and Misconduct Policy*
- general student conduct - *Student Code of Conduct*
- fee payments - *International Student Fees Policy*
- course progress and attendance - *Assessment, Moderation and Progress Policy* and *Student Progression and Exclusion Policy and Procedure*

International students are made aware of the circumstances in which their study may be suspended for misconduct prior to enrolment and during the student orientation process.

The *Academic Honesty and Misconduct Policy* describes academic misconduct as any activity or practice including but not limited to cheating in any assessments, plagiarism, unauthorised collusion, fraudulent or unethical research and scholarship practices. This includes when:

- other people's work and/or ideas are paraphrased and presented without proper reference/attribution (APAC uses APA referencing system);
- other students' work is copied or partly copied;
- a student knowingly allows their work to be copied;
- phrases and passages are used verbatim without quotation marks and/or attribution/acknowledgement of the original source;
- A student seeks to obtain an unfair advantage in an examination or in other written or practical work required to be submitted or completed for assessment (cheating);
- A student working with others to produce work which is then presented as work completed independently by the student.

The *Student Code of Conduct* outlines what constitutes non-academic misconduct as behaviour that includes, but is not limited to, the following:

- Discrimination, harassment, abuse or physical assault;
- Intimidating or threatening behaviour;
- Making racist or sexist comments;
- Behaving in a disruptive manner such as swearing, yelling or using offensive language including in online interactions and surveys;
- Endangering the safety of yourself or others;
- Breaching relevant State and Federal Laws, e.g. Work Health and Safety;
- Selling, using, distributing or being in possession of drugs while attending classes/work experience, or under the influence of drugs;

- Wilful damage to or theft of the Conservatory property;
- Accessing, storing, processing or transmitting any information deemed to be threatening, obscene, pornographic or harassing in nature.

The *Student Progression and Exclusion Policy and Procedure* outlines course progress and attendance and circumstances where this is unsatisfactory such as:

[enter details once the Policy is received]

### **Procedure**

The following procedure relates to processing an **Institution-initiated suspension or cancellation of enrolment**:

- 4.1 The Director of Higher Education is the decision-maker for academic matters. The CEO is the decision-maker for non-academic matters.
- 4.2 The Course Coordinator (academic matters) Finance and Compliance Officer (non-academic matters) will present to the Director of Higher Education (academic matters) or CEO (non-academic matters) their intention to suspend a student's study or cancel their enrolment together with supporting evidence.
  - 4.3 The relevant decision-maker, Director of Higher Education/CEO, will consider the request to suspend the student's study and supporting evidence and advise the Course Coordinator/ Finance and Compliance Officer of their decision.
- 4.3 In the event that the relevant decision-maker approves the request to suspend a student's study or cancel their enrolment, the relevant decision-maker will write to the student informing them of their intention to suspend or cancel the student's enrolment, the reasons for the decision, the intention to notify the change in enrolment status, and advice to the student that if they wish to appeal the decision they have 20 working days to access the Institution's grievance handling procedure. The student will also be advised to seek advice from the Department of Home Affairs on the potential impact of the decision on their student visa in accordance with the National Code, Standard 9.
- 4.4 A copy of the letter and supporting evidence along with the documented decision is placed on the student's file.
- 4.5 The student may appeal the decision if they wish. If the student chooses to access the Institution's grievance procedure, the Institution will maintain the student's enrolment until the internal grievance process is completed and will not notify any change to the student's enrolment status through PRISMS, except in extenuating circumstances relating to the welfare of the student.

Extenuating circumstances relating to the welfare of the student may include, but are not limited to, the following. The student:

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

Any claim of extenuating circumstances will need to be supported by appropriate evidence.
- 4.6 The Institution is not required to continue providing learning opportunities throughout the 20 working days allowed to appeal the decision and during the internal grievance process. Based on the nature of the issues and circumstances, the Institution will decide, on a case by case basis, whether to allow the student to continue to attend class, or make alternative study arrangements for the student, or to deny the student access to study opportunities. In making such a decision the Institution will consider whether denying the student learning opportunities throughout the 20-day appeal period and during the internal grievance process may disadvantage the student in their subsequent studies should the grievance process find in their favour.

- 4.7 If the student chooses not to challenge the suspension of study or cancellation of their enrolment, or has unsuccessfully exhausted all internal appeal processes, the suspension of study or cancellation of enrolment will be formally processed and the change in the student’s enrolment will be entered into PRISMS. Note that the Institution does not have to wait for the outcome of an external appeal before notifying the change to the student’s study status.
- 4.8 The [Finance and Compliance Officer] 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;
  - email the relevant personnel advising them that the student’s study has been suspended or their enrolment has been cancelled so that records can be updated and any necessary arrangements made;
  - make a diary entry to set a reminder for when the student is due back, if applicable.

**Note:** The Department of Home Affairs’ policy is that if a student’s study is suspended for a period of 28 days or longer, the student must return home (unless special circumstances exist). Students should be advised to liaise with the Department of Home Affairs regarding this requirement.

## 5. Publication

International students and staff are advised of this policy through publication on the Institution’s website ([www.apac.edu.au](http://www.apac.edu.au)).

## 6. Related documents

- International Student Application for Deferment, Suspension or Cancellation of Study
- Letter to Advise Suspension or Cancellation of Enrolment
- Letter to Refuse Deferment or Suspension of Study
- Student Grievance Handling Policy and Procedure
- Student Progression and Exclusion Policy and Procedure
- Academic Honesty and Misconduct Policy
- Student Code of Conduct
- International Student Fees Policy
- Assessment, Moderation and Progress Policy

## 7. Version control

Version	Approved by	Approval Date	Details
1.0	Academic Board	12/12/2019	Document creation
1.1	Academic Board		Updates to policy
2.0	Academic Board	13/01/2021	Minor changes