

1. Defer, suspension, cancellation policy and procedure (CPP009)

Purpose

This policy applies to international students only and has been developed in accordance with Standard 9 of the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018.

Job Training Institute Pty Ltd (JTI) enables students to defer or suspend or cancel their studies, including granting a leave of absence, during the course through formal agreement in certain limited circumstances. This policy also details the circumstances where a student's enrolment may be deferred, suspended or cancelled by JTI. This policy guides staff through the procedures to administer when dealing with deferral, suspension, cancellation of student enrolment.

This policy must be provided to prospective students prior to enrolment.

A copy of this policy is located on www.jti.edu.au/international

Definitions

'Cancel enrolment' means to cancel the student's enrolment

'CoE' means Confirmation of Enrolment which is a document, provided electronically, issued by the registered provider to intending overseas students and which must accompany their application for a student visa. It confirms the overseas student's eligibility to enrol during the registered provider

'Compassionate or compelling circumstances' are reasons why a student's enrolment status may be changed. These are generally those situations beyond the control of the student. The following are examples of compassionate or compelling circumstances:

- Unavailability of units in the enrolled course;
- Inability to commence study on commencement date due to student visa delay;
- Serious illness or injury, (a medical certificate must be provided stating that student is unable to attend class);
- Bereavement of close family members such as parents, grandparents, brother, sister, (a death certificate must be provided);
- A traumatic experience such as witnessing a serious accident or witnessing or being victim of a serious crime (police report must be provided);
- A major political upheaval in the students' home country which requires emergency travel that will affect student studies;
- A natural disaster in the students' home country which requires emergency travel that will affect student studies

'Defer studies' means to defer commencement of studies

'DOE' Department of Education

'DHA' Department of Home Affairs

'Extenuating circumstances' means circumstances relating to the welfare of the student which may include, but are not limited to the following:

- Threats of violence against staff or students or others;
- Sexual assault against staff or students or others;
- Being under the influence of drugs or alcohol to the point which creates an unsafe environment for staff or students or others and oneself;
- Refuses to maintain approved care arrangements (only for students under 18 years of age);
- Is missing;
- Is deceased;
- Has medical concerns, severe depression or psychological issues which lead the provider 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;
- Other actions deemed unsuitable by the CEO.

'Misbehaviour' means circumstances relating to the actions of the student which may include, but are not limited to the following; these are grounds for suspension or cancellation of enrolment:

- Violence against staff or students or others;
- Psychological issues with student which lead us to fear for safety of student and staff;
- Sexual harassment against staff or students or others;
- Racial discrimination, vilification or bullying;
- Intimidating staff or students or others;
- Defaming our college or staff or students or others;
- Criminal actions or is a risk of committing a criminal offence;
- Bringing our college into disrepute;
- Cheating;
- Plagiarism;
- Refusing to work in a safe, clean, orderly manner;
- Being under the influence of drugs or alcohol to the point which creates an unsafe environment for staff or students or others and oneself;
- Smoking on college property;
- Failure to pay fees when due;
- Student did not re-enrol (student has inactively advised they will not be continuing studies);
- Failure to maintain appropriate class attendance levels;
- Failure to maintain appropriate course progress levels;
- Other actions deemed unsuitable by the CEO.

'PRISMS' means the Provider Registration and International Student Management System, which the RTO uses to notify DOE of changes (when a student's enrolment is deferred, suspended or cancelled)

to a student's enrolment.

'Suspend studies' means to suspend studies, this may be requested by a student for compassionate or compelling circumstances. RTO may also choose to suspend a student's enrolment if we deem the student's behaviour to be unacceptable for an educational setting.

'TPS' means the Tuition Protection Service

General Information

This policy details the procedure for handling requests from students and/or intention of JTI to defer, suspend or cancel student's studies. There are three main categories which are: student request for deferral and / or suspension of studies, student request for cancellation of enrolment and JTI's intention to defer, suspend or cancel enrolment.

Attendance monitoring

Regardless of whether the suspension of enrolment is the result of a student request for suspension or JTI-imposed suspension of enrolment due to misbehaviour, the period of suspension of enrolment (as entered in PRISMS) should not be included in attendance monitoring calculations.

Student Visa

Deferment, suspension or cancellation of enrolment may affect the students Visa. As such, JTI will refer the student to the DHA website or helpline (131 881) for information, and the local DHA office for advice, on how the potential change to enrolment status may impact upon his or her visa.

Response

The Course /Training Manager is responsible for this process.

Letter of offer not accepted

If the student has not accepted the offer of enrolment, Standard 9 does not apply.

Procedure

a. Prior to Enrolment

Prospective students (prior to enrolment) will be informed of the grounds on which their enrolment may be deferred, suspended or cancelled and their rights and grounds for appeal regarding this policy.

A copy of this policy will be provided to all prospective students.

b. Defer, Suspend, Cancellation application process

Students must complete the: *Defer, Suspend, Cancellation application form* (available from Student Support Officer (SSO) or Course Manager. In this form they will detail reasons for application and provide supporting evidence to substantiate claim. Once the application is completed it must be submitted to the Course/Training Manager and a formal response will be provided within 5 business days by the Course/Training Manager using the *DSC letter*. Applications must be submitted at least 10 business days before the deferral, suspension or cancellation date for the application to be processed.

Applications received after this date will not be approved.

c. Student request for deferral and / or suspension of studies

Where a student has applied to JTI for deferment or suspension of their studies due to compassionate or compelling circumstances, JTI will in accordance with our policy assess the circumstances and grant or decline the student's request.

JTI will only defer or suspend the enrolment of the student on the grounds of:

- i. compassionate or compelling circumstances (for example, illness where a medical certificate states that the student is unable to attend classes); or
- ii. misbehaviour by the student

The following is a list of acceptable circumstances (not exhaustive) where we would approve the application:

- Unavailability of units in the enrolled course;
- Inability to commence study on commencement date due to student visa delay;
- Serious illness or injury, (a medical certificate must be provided stating that student is unable to attend class);
- Bereavement of close family members such as parents, grandparents, brother, sister, (a death certificate must be provided);
- A traumatic experience such as witnessing a serious accident or witnessing or being victim of a serious crime (police report must be provided);
- A major political upheaval in the students' home country which requires emergency travel that will affect student studies;
- A natural disaster in the student's home country which requires emergency travel that will affect student studies.

Students may defer or suspend their studies for up to one study period for compelling or compassionate circumstances. Documented evidence is required.

The Course/ Training Manager will convene a meeting with the student to discuss the application. Documented evidence must be provided by student to validate the claim. A formal response will be provided within 5 business days.

In the case that a student's enrolment is deferred, suspended or cancelled the Course/Training manager will notify DOE via PRISMS of the change in enrolment.

after the events below occur:

- The prescribed information about an accepted student who does not begin his or her course when expected;
- Any termination of an accepted student's studies (whether because of action by the student or JTI or otherwise) before the course is completed;
- Any change in the identity or duration of an accepted student's course.

Note that misbehaviour of student may also be grounds for cancellation of studies, (**Refer to definitions**)

d. Student request for cancellation of enrolment

Students who request cancelling their enrolment to go to another college must follow the Student Transfer Policy (Std 7) and complete the appropriate documentation.

Students cancelling enrolment to return to their home country must complete the, *Defer, Suspend, Cancellation application form* and supply supporting evidence such as airline ticket and departure date.

Student will be notified that cancellation of enrolment may affect the students Visa.

JTI will notify DOE via PRISMS of changes to a student's enrolment within 10 business days of duly received, signed and dated documents provided by student.

Should JTI reject the cancellation application, the student will receive a DSC letter outlining the refusal and explaining their right to access JTI internal complaints and appeals process within 20 working days of date on refusal letter (allow extra 3 days for postage).

Fees will be refunded (if applicable) in accordance with JTI Refund Policy.

e. JTI initiated suspension or cancellation of student's enrolment

JTI can also cancel a student enrolment due to under-enrolment which may lead to student not completing the course during the expected duration. JTI will inform the student of its intention to cancel the student's enrolment and notify the student that they have 20 working days to access JTI's internal complaints and appeals process.

Misbehaviour by the student may result in the suspension or in the worst-case scenario the cancellation of enrolment. JTI may suspend further study or cancel enrolment for both academic and non-academic misconduct.

i. Misbehaviour

The Course Manager/Training Manager will convene a meeting with the student to discuss the misbehaviour by the student.

If JTI initiate the suspension or cancellation of a student's enrolment, JTI will formally notify the student of our intention and allow the student 20 working days to access JTI's internal complaints and appeals process, unless extenuating circumstances relating to the welfare of the student apply. The severity of the individual case will decide whether the enrolment should be suspended or cancelled. Refer to 'Misbehaviour' regarding grounds for cancellation of enrolment.

ii. Failure to make payment

The student's failure to pay an amount he or she was required to pay to JTI to undertake or continue the course as stated in the written agreement.

iii. Breach of Course Progress

A breach of course progress or attendance requirements by the overseas student, which must occur in accordance with Standard 8 .

iv. In cases of student misbehaviour of a criminal nature

JTI will inform the police of any suspected or alleged criminal activity. To assist DHA, JTI will give as much information as possible regarding any criminal activity when it suspends or cancels the enrolment of the student. DHA officers will then initiate any visa related action as required.

v. Procedural fairness

In the case where a student has been regarded as misbehaving, until all due investigation is completed the student must be treated as innocent until they have admitted liability or via other evidence such as bona fide witnesses.

vi. JTI's grounds for deferment of commencement studies

This may be granted on the grounds of compassionate or compelling circumstances.

vii. Recording a Deferment, Suspension or Cancellation - CoE Outcomes

There are three different outcomes for the student's Confirmation of Enrolment:

- JTI notifies DOE through PRISMS that it is **deferring or suspending** a student's enrolment for a period **without affecting the end date of the CoE**. In this case there is no change to the CoE or the student's enrolment status on PRISMS i.e. the student's CoE status will still be listed as 'studying'. However, the notice of deferment or suspension will be recorded in PRISMS and sent to DHA. This information will be kept for future reference.
- JTI notifies DOE through PRISMS that it is **deferring or suspending** a student's enrolment for a period which **will affect the end date of the CoE**. In such situations, PRISMS will cancel the original CoE, and immediately offer JTI the opportunity to create a new CoE with a more appropriate end date. If JTI does not know when the student will return, it can choose not to

create a new CoE at that point, but to wait until the student has notified JTI of the intended date of return before creating the new CoE.

- JTI notifies DOE through PRISMS that it wishes to **permanently cancel (terminate)** the student's enrolment. Once this process is complete, the student's CoE status will be listed as 'cancelled'.

viii. Appeals on JTI decision (*refer to the Complaints and Appeals Policy*)

If JTI initiates the suspension or cancellation of a student's enrolment, JTI will inform the student of its intention to notify DOE of the change of enrolment status. JTI will inform the student that they have 20 working days in which to access our complaints and appeals process. To 'access' the appeals process means to 'initiate' or 'start' the process – there is no expectation that the process must be completed within 20 working days. However, standard 8 requires that the process must commence within 10 days of the formal lodgement of the complaint or appeal.

If the student chooses to access JTI's appeals process, JTI maintains the student's enrolment until the internal appeals process is completed (and has supported JTI's intention to suspend or cancel the student's enrolment). To 'maintain the student's enrolment' means JTI does not notify DOE of any change to the student's enrolment status through PRISMS.

Appeals will be at no cost to student.

The student may choose to access an external appeal process as per JTI's policy, but JTI does not have to wait for the outcome of an external appeal before notifying DOE of the change to the student's enrolment status.

f. Lodging a Formal Complaint

The *complaints form* should be completed fully, detailing:

- Details of complaint
- Relevant dates
- Steps taken to resolve complaint
- Provide supporting evidence.

The completed form should be submitted to the Student Support Officer (SSO).

Note: The Student Support Officer must deliver the document to the Course/Training manager within 24 hours.

After formal lodgement of the complaint and appeals application, the manager will review the issue and, within 10 working days decide on the case.

The decision might be to agree with the validity of the complaint and take appropriate action to remedy concern, or to dismiss the complaint. The decision will be provided back to student in written format including details and reasons for the decision.

If the case requires further evidence, the student will be invited to formally present their case at a meeting between Training/Course Manager and/or Campus Manager. The intent is to resolve the complaint in an amicable manner as soon as possible.

The student has the right to be assisted or accompanied by a support person.

Minutes will be taken of the meeting (this will include: time, date, names of people attending meeting and positions) and a decision will be made at the meeting. This decision will be provided in a written format including details and reasons for the decision.

g. Processing Timelines

JTI students are our customers and must be treated as such. Complaints and appeals are regarded a priority for analysis and actioning and so the concerned manager will investigate the formal application within timelines stated above.

There are several situations where the student may receive an 'Intent to report letter' to report to DOE via PRISMS. This may be related to: breaches of course progress requirements (section 19 ESOS Act) or breaches of attendance requirements (section 19 ESOS Act) or for deferral, or for suspension or cancelling a student enrolment.

It is important that in these situations, the student understands the implications of no action on their behalf and that if they intend on lodging a formal complaint they only have 20 working days in which to do so. If JTI receives no response from the student within the 20 days, we will complete the reporting process as required by the ESOS Act.

h. Decision

Decisions will be documented in the complaints and appeals application form including the outcome, details and reasons for the decision. The decision document and complaints outcome letter will be sent via registered post (person to person delivery) to student in a written format or given face to face to the student. If the decision was to dismiss the complaint, a copy of the *external appeals application form* will be attached to the letter.

If the student is not happy with the decision they may choose to access the external appeals process at no cost.

If the decision requires corrective actioning, this will be documented and assigned completion date ,with responsibility.

The General Manager has the responsibility of ensuring that actions are completed by set timelines.

i. A decision will be made to affirm and remit JTI decision.

If the decision by the external appeals adjudicator is to affirm JTI's decision, then JTI will upon receiving formal documentation of decision take appropriate actions. This will occur within 5 business days of receiving formal decision.

However, if the decision by the external appeals adjudicator is to rescind JTI decision, then JTI will upon receiving formal decision take appropriate actions, for example, document a corrective action,

correct the issue and provide outcome to student in writing and refund student the cost of appeal process.

j. Enrolment Status

JTI will maintain the enrolment of the student until the complaints and appeals process is completed. This means that we will not notify DOE of any changes to the student's enrolment status via PRISMS.

However, in the case of external appeal the continuance of enrolment during this process will depend on the type of appeal.

examples:

In the case of unsatisfactory course progress and JTI's decision to report student, the student's enrolment will be maintained until the external complaints process is complete and the decision of JTI has been upheld. At this point in time the student will be reported as per Standard 8.

In the case of unsatisfactory course progress, JTI will allow only one (1) external appeal process before JTI reports student – this is to remove the issue of when a student may wish to apply multiple external appeals processes which would stonewall the process.

In the case of an appeal against JTI's decision to defer or suspend a student's enrolment due to misbehaviour or to cancel the students' enrolment, JTI only needs to wait until the internal appeals process has been completed (this must be in JTI) at this point in time JTI will notify DOE via PRISMS of the change to students enrolment.

Note:

This policy does not require that we continue to offer learning to students throughout the complaints or appeal process. (**see below)

For example:

The student has continually misbehaved in class and so the Course / Training /Campus Manager prohibits (excludes) the student from attending class.

JTI may still provide the student work to be completed away from class (so that student does not fall too far behind) until the decision on complaint or appeal has been made.

k. **State/Territory Legislation

There may be obligations under state/territory legislation or the relevant designated authority's guidelines in relation to providing work to complete while excluded from class. JTI will make itself aware of these requirements in this regard.

I. Records of Complaints & Appeals and Decisions

Records of complaints and appeals and decisions are in the complaints and appeals file and a reference in the students file, this also includes records of Australia post registered mail and person to person delivery signed by the student.

The availability of this complaints and appeals process, does not remove the right of the student to act under Australia's consumer protection laws.

m. Responsibilities & Action

The Training/Course Manager is the designated member of staff to review complaints, convene meetings with students, decide on complaint and document outcomes on students file, complaints and appeals application form and complaints and appeals file.

The Student Support Officer may also take delivery of the complaints and appeals application form and deliver to Training/Course Manager within 24 hours.

All documentation regarding deferral, suspension or cancellation of student enrolment will be kept on the students file.

DOE will be updated via PRISMS regarding approved student deferrals, suspension or cancellations.