

Australian College of Theology

Extension, Deferment, Suspension and Cancellation of Enrolment Policy – Overseas Student

1. PURPOSE

The objectives of this Policy are to:

- ensure compliance with Standard 13 of the National Code 2007, established by the Education Services for Overseas Students (ESOS) Act 2000.
- provide policy and procedure for assessing, approving and recording a deferment of the commencement of study or suspension of study for an overseas student.
- outline the circumstances in which a student can defer, suspend or cancel their enrolment with ACT and where ACT can initiate the suspension or cancellation of the student's enrolment.
- inform overseas students before the enrolment about grounds on which their enrolment be deferred, suspended or cancelled.

2. SCOPE

This policy applies to international students on a student visa who are enrolled and/or intend to enroll with the Australian College of Theology (ACT) and its affiliated colleges.

3. POLICY STATEMENT

Under the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007 (the National Code), registered providers may only enable students to defer or temporarily suspend their studies, including granting a leave of absence, during the course through formal agreement in certain limited circumstances.

The ACT can only defer or temporarily suspend the enrolment of the student on the grounds of:

- a. compassionate or compelling circumstances, or
- b. misbehavior by the student.

Compassionate or compelling circumstances could include, but are not limited to:

- serious illness or injury with a medical certificate stating that you were unable to attend classes;
- bereavement of close family members such as parents or grandparents;
- major political upheaval or natural disaster in your home country requiring emergency travel when this has impacted on your study;
- a traumatic experience which could include involvement in or witnessing a serious accident, witnessing or being the victim of a serious crime (supported by a police or psychologist's report);
- the college's inability to offer a prerequisite unit;
- unavailability of units
- inability to begin studying on the course commencement date due to delay in receiving a student visa.

The ACT will:

- a. inform the student that deferring, suspending or cancelling his or her enrolment may affect his or her student visa; and
- b. notify the Department of Education via PRISMS as required under section 19 of the ESOS Act where the student's enrolment is deferred, temporarily suspended or cancelled.

PROCEDURE

Cancellation, deferral or suspension of your enrolment may be initiated by yourself or the college.

A. Deferral of commencement and suspension of study requested by student

1. Overseas student must advise the ACT through its affiliated college in writing of their request accompanied by documentation evidencing the compassionate or compelling reasons why deferral or suspension of study should be granted.
2. The request is forwarded to the Director of Academic Services for consideration and approval. The ACT will always use its professional judgement to assess each student's case on its individual merits when determining whether compassionate or compelling circumstances exist.

ACT does not authorise and report a deferral or suspension retrospectively unless there are unusual circumstances where it may be required.

3. In the event that the request for deferral or suspension of study is approved, the ACT will inform the student of the decision in writing within five working days.
4. The ACT will also inform the student that deferral or suspension of study may have an impact on the student visa and will advise to contact DIBP to discuss the impact of this change to the student's enrolment.
5. The ACT's Overseas Students Liaison Officer (OSLO) or the College registrar will inform DIBP of this change of enrolment thru PRISMS. Deferral will be recorded on PRISMS depending on the status of the CoE. While suspension will be recorded on PRISMS. The student will be provided with the new CoE.
6. If the request for deferral of commencement of study or suspension of study does not meet the requirements for compassionate and compelling circumstances, ACT will not approve the application and will advise the student in writing within five working days of the reason for the decision and that the student has 20 working days to appeal the decision through ACT's Grievance Resolution Policy for Overseas Students.
7. If the student chooses to access ACT's Grievance Resolution policy, the student's enrolment will be maintained until the internal appeal process is completed and ACT will not notify DepEd/DIBP of any change to the student's enrolment status.
8. The request for deferral or 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.

B. Suspension or cancellation of enrolment by the Australian College of Theology

The ACT will inform the student of the suspension or cancellation of enrolment in writing. The student will be informed that they have 20 working days to access the appeal process depending on the ground of suspension or cancellation of enrolment:

The following are some of the grounds for the suspension or cancellation of enrolment but are not limited to:

- a. Academic misconduct. The ACT may exclude a student from class studies on the grounds of academic misbehaviour by the student. Please refer to ACT's Academic Misconduct Policy.
- b. General misconduct. Please refer to your college's Student Code of Conduct Policy
- c. Unsatisfactory course progress. Please refer to ACT's Progression and Intervention Policy.

- d. Non-payment of fees by the due date. The ACT will inform the student of its intention and allow the student 20 working days in which to access the provider's complaints and appeals process. Please refer to the ACT's Written Agreement for Refund Policy.
- e. Non-commencement of studies - where the student does not commence studies in a program when they are due to commence and they have not notified ACT or the affiliated college in writing; or where the student requested deferment, but there were no compassionate or compelling reasons for granting a deferment.
- f. When a student who has not completed their program does not return to studies after a break and **has not notified** the affiliated college or the ACT of any reason. In this case, by not re-enrolling the student has 'inactively' advised that they will not be continuing their studies. The student will be notified by email of the intention to cancel enrolment. If no response is received within five (5) working days ACT will notify Department of Education via PRISMS of the student's intention to cease studies by cancelling the student's CoE. This action automatically advises DIBP.

(The provider should notify the Department of Education through PRISMS of 'student notified cessation of studies' by going to Student Course Variation and choosing 'Termination prior to completing course'. The 'termination reason' will be 'Student notified cessation of studies'. The provider may wish to enter a comment such as 'Student did not return' or 'Student did not re-enrol'. This variation report will set the status of the CoE to 'Cancelled'. There is no requirement to send a Notice of intention to report letter and observe the associated appeals requirements, or to notify the student of the intention to cancel their studies as this action is not against the student's will.)

- g. ACT considers the student to be **non-bona fide**. Indicators of this include but are not limited to:
 - A student who demonstrates erratic course progress as a result of their failure to maintain regular class attendance, such that attendance falls below 80%, shall have their enrolment cancelled and shall be reported to the Department of Education as non-bona fide
 - Students who have been counselled regarding their attendance and progression but their attendance and progression continues to be unsatisfactory without reasonable cause
 - Students who have not committed to the individual learning plan developed to support their study
 - Students who attend classes but refuse to be engaged or to participate in the learning. Examples of this include:
 - not submitting assignments
 - not attending class when assessments are scheduled
 - refusing to participate or be involved in classroom or workshop activities.

4. APPEALING ACT'S DECISION TO DEFER, SUSPEND OR CANCEL STUDENT ENROLMENT

Should the student choose to access ACT's appeals process, the student's enrolment is maintained, and the Department of Education is not notified of a change to enrolment status until the **internal** complaints and appeals process is completed (and has supported ACT's intention to suspend or cancel the student's enrolment) unless extenuating circumstances relating to the welfare of the student apply. ACT may choose to allow access to learning opportunities through the internal appeals process.

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

- Refuses to maintain approved care arrangements (only for students under 18 years of age);
- Is missing;
- 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

Any claim of extenuating circumstances will need to be supported by appreciate evidence.

External Appeal

If a student accesses the ACT's internal complaints and appeals process and is unsuccessful in the appeal against the ACT's intention to cancel the student's enrolment, the ACT will notify the Department of Education of the cancellation of the student's enrolment. The ACT is not required to await the outcome of any external appeals process.

Once the ACT notifies the Department of Education of the suspension or cancellation of a student's enrolment, the student has 28 days to leave Australia, to show DIBP a new CoE or to provide DIBP with evidence that he or she has accessed an external appeals process. Therefore, any student wishing to access an external appeals process must contact DIBP and provide evidence of having accessed an external appeals process within 28 days of the ACT notifying the Department of Education of the cancellation of enrolment. DIBP will then consider the student's individual circumstances and whether to cancel or maintain the student's visa.

5. EXTENSION OF ENROLMENT

The ACT and its affiliated colleges will only extend the duration of your study where it is clear that the student will not complete the course within the expected duration, as specified on your CoE, as the result of:

- a. compassionate or compelling circumstances (e.g. illness where a medical certificate states that the student were unable to attend classes or where the ACT was unable to offer a pre-requisite unit);
- b. the ACT implemented its intervention strategy if the student were at risk of not meeting satisfactory course progress; or
- c. an approved deferment or suspension of study has been granted.

6. CANCELLATION OF ENROLMENT AND REFUNDS

Please see the Written Agreement and ACT's Refund Policy

7. REFERENCES

- a. ACT's Grievance Resolution Policy – Overseas Students
- b. ACT's Academic Misconduct Policy
- c. ACT's Progression and Intervention Policy
- d. Affiliated Colleges' Student Code of Conduct Policy