

DEFERRING, SUSPENDING OR CANCELLING THE STUDENTS ENROLMENT

Purpose

This policy outlines the requirements and procedures for Insight Academy to suspend and cancel a student's enrolment and the procedures on student request for deferment, suspension or cancellation.

The integrity of the policies and procedures relating to assessing, approving and recording a deferral, suspension or cancellation of study during a student's enrolment plays an essential role in ensuring that international/overseas students experiencing financial difficulties, circumstances which can be classified as providing compassionate and compelling reason for breaking their enrolment, or demonstrating patterns of misbehaviour are afforded equitable, just and transparent treatment.

Policy

These policies and procedures are designed to assist Insight Academy staff assess, approve (or disallow) and record deferment, suspension and/or cancellation of study during students' enrolment, the reporting of such changes to international students status via PRISMS.

They also provide the basis and procedures for students wishing to apply for Leave of Absence on the grounds of Compassionate and Compelling Circumstances, the assessment of those applications and the reporting of the decisions via PRISMS.

Students may have their enrolments cancelled and be reported to the Department of Education via PRISMS for:

- Non-commencement of studies.
- Failure to pay course fees and charges.
- Unsatisfactory academic progress (breach of visa conditions).
- Unsatisfactory attendance (breach of visa conditions – Applicable to ELICOS courses).
- Early completion of a course.
- Approved Leave of Absence for which there is no established date for the student's return to studies.
- High level (serious) breaches of the Insight Academy Student Code of Conduct – academic and/or general conduct.

- Behaviour deemed to be a serious threat to the health and safety of themselves and/or others (staff, trainers and/or students) in Insight Academy.
- Based on fraudulent evidence or documents given to the registered provider.

Students may apply for a deferment of commencement of their studies on the basis of Compassionate and compelling circumstances preventing their commencement on the scheduled date.

Students may apply for a temporary suspension of their studies on the basis of compassionate and compelling circumstances preventing their attendance at normal classes for a significant period of time.

Students may also have their enrolment suspended due to misbehaviour which can also be grounds for cancellation of studies.

Students have the right to appeal a decision by Insight Academy to defer, suspend or cancel their studies and Insight Academy will not notify DET of a change to the enrolment status until the internal complaints and appeals process is completed.

Definition of Compassionate or Compelling Circumstances

Compassionate or compelling circumstances are generally those beyond the control of the student and which have an impact upon the student's wellbeing and/or capacity/ability to:

- Commence their course on the scheduled start date, but within two weeks of that date, or to
- Attend scheduled classes for a significant period of time during the enrolment period.

Such circumstances include, but are not limited to:

- Serious illness or injury, where a medical certificate states that the student was unable to attend classes.
- Bereavement of close family members such as parents or grandparents (Where possible a death certificate should be provided).
- Major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the student's studies.
- A traumatic experience which could include:
 - Involvement in, or witnessing of a serious accident.
 - 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 the overseas student has failed a prerequisite unit and therefore faces a shortage of relevant units for which they are eligible to enrol.
- Inability to begin studying on the course commencement date due to delay in receiving a student visa.

Please note that the above are only some examples of what may be considered compassionate or compelling circumstances. Insight Academy will use their professional judgement to assess each case on its individual merits. When determining whether compassionate or compelling circumstances exist, we will consider documentary evidence provided to support the claim, and will keep copies of these documents in the student's file.

Evidence

All applications for special leave must be supported by documentary evidence which will vary with regard to the specific circumstances, but could include:

- Relevant DOHA visa documents
- Relevant travel documents (Issued travel ticket with return date);
- Relevant media reports relating to a natural disaster impacting on a student's area of residence.
- A relevant Death Certificate.
- A Marriage Certificate.
- A police incident report.
- A social worker's report.
- A psychologist's report.
- Appropriate medical evidence.

Additional important information:

Students should keep in mind that, unless they have been granted, in writing, a formal approval to suspend studies, airline tickets should not be pre-purchased, as Insight Academy cannot guarantee that the student will be successful in his or her application for a suspension.

Medical certificates should comply with the Australian Medical Association's Guidelines for Medical Practitioners on Certificates Certifying Illness – 2011 (<https://ama.com.au/positionstatement/guidelines-medical-practitioners-certificates-certifying-illness-2011>).

These include:

- Name and address of the medical practitioner issuing the certificate.
- Doctor's Medicare provider number (where applicable).
- Name of the patient.
- Date on which the examination took place.
- Date on which the certificate was issued.
- Date(s) on which the patient is or was unfit for attendance.
- Supplementary information of assistance to the patient in obtaining the appropriate leave especially where there is a discrepancy in the period for which the certificate is issued and the date of the certificate.

Certificates not written in English must be translated into English. Insight Academy may ask student to give permission for the verification of medical certificates.

Duration of Leave

Applications for Leave of Absence based on Compassionate and Compelling Circumstances must relate to an inability to attend scheduled classes for a significant period of time during the enrolment period.

The Department of Home Affairs (DOHA) requires students whose enrolment is suspended for a period of 28 days or longer for compassionate Leave of Absence, to return home unless special circumstances exist (for example, the student is medically unfit to travel).

When Insight Academy approves Leave of Absence it has to notify the Department of Education and DOHA that the student's study has been suspended for a significant period.

If that period is over 28 days DOHA will decide whether or not the student can remain in Australia or must return home.

DOHA may decide to cancel the student visa where, for example, the student fails to comply with the terms of the Leave of Absence.

If the Leave of Absence or a Deferral of Enrolment is for more than 6 months, for any reason, DOHA will cancel the visa.

When making an application for Leave of Absence students should check the Department of Home Affairs (DOHA) website, or telephone the Helpline 131 881, or visit the local DOHA office for advice on how the potential change to their enrolment status may affect their visa.

In situations where there are significant but ongoing and irregular absences caused by a single verified compassionate and compelling circumstance, that student will be granted Leave of Absence for the aggregated absences. For example, a pregnant student experiencing severe recurring, but irregular medical problems requiring bed rest may be granted Leave of Absence, on the basis of her compassionate and compelling circumstances, for a significant loss of class time.

In situations where Leave of Absence is approved for a significant block of class-time, that absence will be administratively processed in accordance with the procedures relating to deferment, suspension or cancellation of study during enrolment, and where applicable the policies and procedures relating to National Code Standard 8 relating to course completion and monitoring of course progress.

All approved Leave of Absence periods of absence will be excluded from calculations of the student's attendance rate (if applicable). The class hours covered by the Leave of Absence will be deducted from the expected class hours for the study period.

Leave and Course Completion

In cases where:

- A student's approved Leave of Absence based on compassionate or compelling circumstances is for a period constituting up to a maximum of four study weeks;
- that student has made satisfactory academic progress up to the date of the Leave of Absence;
- that student has agreed to a study plan to undertake assessments during scheduled between-session breaks; and therefore
- will be able to complete their course within the expected duration

That student's enrolment will be suspended with no extension in their course duration and CoE. Insight Academy notifies the Department of Education and Training through PRISMS that they are deferring or suspending an overseas student's enrolment for a period without affecting the end date of the CoE. There will be no change to the CoE on PRISMS – the overseas student will still be listed as studying. However, the notice of deferment or suspension will be recorded in PRISMS.

In cases where:

- a student's approved Leave of Absence based on compassionate or compelling circumstances is for a period constituting more than four study weeks

That student's enrolment will be suspended with an extension in the course duration and CoE.

Insight Academy notifies the Department of Education and Training through PRISMS that they are deferring or suspending an overseas student's enrolment for a period which will affect the end date of the CoE. PRISMS will cancel the original CoE and immediately offer the registered provider the opportunity to create a new CoE with a more appropriate end date. If Insight Academy does not know when the overseas student will return, it can choose not to create a new CoE at that point, but to wait until the overseas student has notified the registered provider of the intended date of return before creating a new CoE.

The period of the temporary suspension and the associated date for expected course duration in these cases will depend on:

- The student's academic progress to the date of the leave of Absence.
- The length of the course in which the student is enrolled.
- The structured sequence of units in the course enrolment dates and schedules.

When assessing applications for leave on grounds of compassionate and compelling circumstances, copies of supporting documents will be kept, together with a record of the decision and the basis for the decision, in the student's file, and recorded in the student's file and PRISMS.

Provider-initiated deferrals, suspensions or cancellations of enrolment

Student Misbehaviour

Students are expected at all times to behave in an appropriate and considerate manner and these requirements are clearly stated in the Insight Student Code of Conduct.

Depending on the severity of any incident of student misbehaviour the case will be thoroughly investigated following an initial report of, and/or complaint about, the incident.

All such complaints will be thoroughly investigated in accordance with the Insight Academy Complaints and Appeals Policies and Procedures, and, if warranted, in accordance with the Insight Academy Critical Incident Policy.

In the event of nobody making a formal report of or complaint about the occurrence, Student Services can initiate a thorough inquiry if there are reasonable grounds for assuming serious misbehaviour took place.

Notwithstanding the previous clauses, Police will be notified in the event of suspected illegal behaviour by a student.

If a student is found to have committed a serious breach of the Student Code of Conduct it may be decided to either suspend or cancel that student's enrolment.

Insight Academy notifies the Department of Education and Training through PRISMS that it wishes to permanently cancel (terminate) the overseas student's enrolment. Once this process is complete, the overseas student's CoE status will be listed as 'cancelled'. If the overseas student is under the age of 18, the cancellation of a CoE does not cancel a Confirmation of Appropriate Accommodation and Welfare (CAAW), and the registered provider is still responsible for welfare arrangements until one of the conditions of Standard 5.6 are met.

Procedures

Deferment of Commencement of Studies

Students who are unable to commence their studies on the scheduled date can apply before the Census Date for Deferment of the Commencement Date.

The only grounds for assessing and determining outcomes for such application are whether or not compassionate and compelling circumstances prevented their commencement on the scheduled date.

Applications for Deferment of Commencement of Studies will be recorded and assessed on their own merits and on the basis of the provided evidence.

Applications for Deferment of Commencement of Studies will be recorded and assessed by Student Services and determinations will be made by the PEO in conjunction with the RTO Operations Manager.

Any application to defer will need to be approved by the PEO or authorised delegate. Prior to applying to defer their program students must ensure that they have paid any outstanding RTO fees.

If the application is approved, a new date for the student's commencement of studies will be determined and, as required, a new Letter of Offer and Confirmation of Enrolment will be issued by Student Services.

Students will be notified of the decision and informed that deferring enrolment may affect the student visa.

All necessary entries in the student's file and PRISMS will be made by Student Services, and all documents relating to the Application, its determination and associated letters will be filed.

Where possible, Applications for Deferment of Commencement Date will be processed and determined within 10 working days of all necessary documentation being provided.

Students who are unable to arrive and start their course on time as agreed or no later than fourteen (14) days of the agreed start date will have to apply to Insight Academy to defer their studies.

Suspension of Studies (compassionate and compelling circumstances)

Students who require special leave from their scheduled studies can apply for temporary Suspension of Studies.

The only grounds for assessing and determining outcomes for such application are whether or not compassionate and compelling circumstances justify a temporary suspension of studies (Leave of Absence).

Applications for Leave of Absence from scheduled studies will be recorded and assessed on their own merits and on the basis of the provided evidence.

Applications for Leave of Absence from scheduled studies will be recorded and assessed by the PEO or authorised delegate and determinations will be made by the PEO or authorised in consultation with the position(s) related to academic department.

If the application is approved, a new date for the student's commencement of studies will be determined and, as required, a new Letter of Offer and Confirmation of Enrolment will be issued for the Course (and any subsequent CoEs) by Student Services. The changes are only required when the end date of the course is getting affected.

Students will be notified of the decision and informed that deferring enrolment may affect the student visa by Student Services and they must contact Department of Home Affairs for any further information on their visa.

All necessary entries in the student file and PRISMS will be made by Student Services and the PEO or authorised delegate respectively, and all documents relating to the Application, its determination and associated letters will be filed.

Where possible, applications for Leave of Absence from scheduled studies will be processed and determined within 10 working days of all necessary documentation being provided.

Periods of suspension of enrolment on grounds of compassionate and compelling circumstances will not be included in calculations of students' attendance.

Suspension of studies (Student Misbehaviour)

Reported incidents of student misbehavior will be investigated and Insight Academy may take action to temporarily suspend any students found to have broken the Insight Academy Student Code of Conduct.

The investigation of such incidents will be undertaken by the RTO Operations Manager in consultation with the PEO or authorised delegate and decisions relating to specific action including temporary suspension (but not excluding other actions ranging from a reprimand and counseling through to reporting incidents to the police) will be made by the appropriate person in the organisation.

All reported incidents of student misbehavior will be determined on a case by case basis on the basis of evidence. Students will be invited to make oral and/or written representations and will be entitled to have an observer at any investigative interviews.

Where possible an outcome from investigations will be determined within ten working days.

In cases where the student is deemed to be a threat to themselves and/or others, Insight Academy will process an automatic suspension.

In all other cases a suspension of enrolment will not take effect until any internal and external appeal processes are resolved. Insight Academy will then act in accordance with the outcome of such an appeal process.

Where necessary, and reflecting the period of temporary suspension, a new CoE will be created by Student Services.

Students will be notified in writing of the outcome of any investigation into their reported misbehavior, and of any actions to be taken. That letter will inform them that any temporary suspension of enrolment may affect their student visa, and advise them to contact DOHA for advice.

That letter will provide the student with information about their right to submit an internal appeal within 20 working days of their receipt of the letter, and inform them that their enrolment will not be acted on until the completion of any appeals process.

Should the student submit an internal appeal it will be investigated and resolved in accordance with the Insight Academy Complaints and Appeals Policies and Procedures.

Should the student submit an internal appeal and it is rejected the student will be sent a letter to this effect. This letter will also inform the student of their right to enter the external appeals process with the Overseas Student Ombudsman, and that their enrolment will not be suspended or cancelled until the resolution of any appeal submitted.

Depending on the nature and severity of the misbehavior, the student may or may not be excluded from classes for the duration of any internal and external appeals processes.

If a student's enrolment is temporarily suspended Insight Academy will notify the student of the action, and inform the student that a temporary suspension may affect their student visa.

Necessary entries in the student's file and PRISMS will be made by Student Services.

All documents relating to the investigation, its determination and associated letters will be filed by Student Services.

If a student's enrolment is suspended for a period longer than 28 days, they may be required by the Department of Home Affairs to return to their home country, depending on the existence or otherwise of special circumstances.

Cancellation of Enrolment

Insight Academy may cancel the Enrolment of a student for the following reasons (but not limited to):

- Non-commencement of studies

- Failure to pay course fees and charges.
- Unsatisfactory academic progress (breach of visa conditions).
- Unsatisfactory attendance (breach of visa conditions – only applicable for ELICOS courses).
- Early completion of a course.
- Approved Leave of Absence for which there is no established date for the student’s return to studies.
- High level (serious) breaches of the Insight Academy Student Code of Conduct –academic and/or general conduct.
- Behaviour deemed to be a serious threat to the health and safety of themselves and/or others (staff, trainers and/or students) in Insight Academy.
- Student is missing, has medical concerns, severe depression or psychological issues which lead the provider to fear for the overseas student’s wellbeing or is at risk of committing a criminal offence.

When Insight Academy intends to cancel the enrolment of a student for:

- The non-payment of fees and charges.
- Unsatisfactory academic progress (breach of visa conditions).

Students will be notified in writing of this intention and informed that they have a right to submit an internal appeal within 20 working days against the intended action. All such appeals will be processed in accordance with the Insight Academy Complaints and Appeals Policies and Procedures.

If a student enters the internal and external appeals processes the intended cancellation of enrolment will not be implemented unless and until either the appeals process is resolved in favour of Insight Academy or the student withdraws from the appeals process before its final resolution.

If a student’s enrolment is cancelled, Insight Academy will notify the student of the action, and inform them that the cancellation may affect their student visa.

Necessary entries in the student’s file and PRISMS will be made by Student Services.

All documents relating to the cancellation of enrolment will be filed by Student Services.

Academic misconduct

All students are expected to maintain high standards of academic honesty and integrity. Academic misconduct is defined as attempts by students to cheat, plagiarise or otherwise act dishonestly in undertaking an assessment task, or assisting other students to do so. Students are considered guilty of cheating if they seek to gain advantage by unfair means such as copying another students' work, or in any way mislead a lecturer or tutor about their knowledge, ability, or the amount of original work they have done.

Financial Misconduct

Any student who fails to maintain up-to-date payments for their course will be seen as breaching their financial obligations. Any student who falls more than one month behind in their payments will be notified that if they do not make payment within 20 days, of all outstanding amounts, they will have their enrolment cancelled on the grounds of financial misconduct.

Notification and appeal

1. Students must be notified in writing of penalties as a consequence of general misconduct
2. The grounds for appeal are:
 - Procedural irregularities, and/or
 - Factual errors on which the decision was based and which were of such magnitude as to invalidate the decision
 - Appeals must be lodged in writing with the PEO or authorised delegate within 20 days of the date of the student being notified of the consequence. The process will commence within 10 working days from the date of receipt of the student's appeal.

Procedure for recording deferments – Exceptional Circumstance

- Student requests deferment of course studies.
- Request made in writing and evidenced with a medical certificate or letter outlining the exceptional circumstances for which they are seeking a deferment.
- Request to be assessed by PEO or authorised delegate.
- If circumstances deemed exceptional a deferment will be granted.
- Student will be granted a deferment for 12 months before enrolment will be cancelled. Although there is no maximum period for a deferral under compassionate or compelling

reasons, but the deferral must be assessed in accordance with the policies and procedures.

- Circumstances not deemed exceptional will not be granted.
- RTO reports student to Secretary of DET via PRISMS.

Staff and Student Awareness of Policy

All staff are provided with a copy of this policy at their initial induction. Students are provided with a copy of this policy in the Induction which is made available to them online prior to enrolment and at their course induction.