

## **ACCLM - CRICOS Deferment and Suspension Cancellation Policy**

The ACCLM's Management and staff are committed to assessing and recording all deferments, suspensions or cancellations of study, ensuring that students within the process are informed of their rights and provided with due care and where relevant opportunities for appeal. The ACCLM's management will only suspend or defer enrolment on the grounds of:

- Compassionate and compelling circumstances.
- Misbehaviour by the student.

### **General**

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

ACCLM is committed to full compliance with these requirements and its procedures and guidelines for reporting international students in compliance with these Standards, and other Standards relating to reporting students.

Students may have their enrolments cancelled and be reported to DEEWR 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).
- 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 ACCLM Student Code of Conduct – academic and/or general conduct (see ACCLM Student Handbook).
- Behaviour deemed to be a serious threat to the health and safety of themselves and/or others (staff, trainers and/or students) in ACCLM.

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. The ACCLM may temporarily suspend a student's enrolment for misbehaviour – significant breaches of the Student Code of Conduct covering both academic and general behaviour.

## Compassionate and Compelling Circumstances

Building on definitions in The National Code 2017, ACCLM defines Compassionate and Compelling Circumstances as circumstances which are generally beyond the control of the student and which have an adverse impact on the student's capacity and/or ability to:

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

Such circumstances include, but are not limited to:

- Inability to begin studying at the scheduled date due to the late issue of a student's visa and consequent delay in travel to Australia;
- Serious illness or injury, where a verified medical certificate states that the student was unable to attend on the commencement date and/or for a significant time through the course;
- Bereavement of close family members such as parents, siblings or grandparents (where possible a death certificate should be provided);
- The student recently giving birth or a student's partner recently giving birth, thus preventing commencement on the published start date or attendance for some time through the course (with supporting documentation);
- Major political upheaval or natural disaster in the home country preventing their departure for Australia, or requiring their emergency travel to their home country;
- A traumatic experience which could include but is not limited to:
  - Witnessing or involvement in an accident; or
  - Witnessing or being the victim of a crime.
- Where ACCLM is unable to offer a course unit/s and which has impacted on the student's ability to commence classes on the start date and/or attend scheduled classes (these cases should be supported by police or psychologists' reports).

## 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 DIBP visa documents;
- Relevant travel documents;
- 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; and or
- Appropriate medical evidence.

Medical certificates should comply with the Australian Medical Association's Guidelines for Medical Practitioners on Certificates Certifying Illness – 2011 (<https://ama.com.au/position-statement/ama-guidelines-medical-certificates-2011-revised-2016> . 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 from other professionals should include a similar range of information to that required for medical certificates.

ACCLM may, in reasonable circumstances, seek further information from the medical practitioners or other professionals who issued a certificate provided in support of an application.

Certificates not written in English must be translated into English by approved NAATI translators.

### **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 Immigration and Border Protection (DIBP) 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 ACCLM approves Leave of Absence, it has to notify DEEWR and DIBP that the student's study has been suspended for a significant period. If that period is over 28 days, DIBP will decide whether or not the student can remain in Australia or must return home.

DIBP 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, DIBP will cancel the visa.

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

Whereas, approved Leave of Absence this will normally entail a significant block of class-time, it need not necessarily entail such a block.

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 2017, Standards 9 and 10 relating to course completion and monitoring of course progress.

All approved Leave of Absence the periods of absence will be excluded from calculations of the student's attendance rate. 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 Reassessment Workshops 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.

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.

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; and
- 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 RTO Manager and PRISMS.

## **Student Misbehaviour**

Students are expected at all times to behave in an appropriate and considerate manner and these requirements are clearly stated in the ACCLM 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 ACCLM Complaints and Appeals Policies and Procedures, and, if warranted, in accordance with the ACCLM Critical Incident Policies.

In the event of nobody making a formal report of or complaint about the occurrence, the Governance, Quality Assurance and Compliance Manager 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.

### **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 the ACCLM Student Services and determinations will be made by the ACCLM General Manager.

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

Students (directly or through their Agent) 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 ACCLM 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.

### **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 ACCLM Student Services and determinations will be made by the ACCLM General Manager.

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 ACCLM Student Services.

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

Again, all necessary entries in the student file and PRISMS will be made by ACCLM Student Services, and all documents relating to the application, its determination and associated letters will be filed.

Where possible, 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 the ACCLM may take action to temporarily suspend any students found to have broken the ACCLM Student Code of Conduct.

The investigation of such incidents will be undertaken by the ACCLM Management 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 ACCLM.

All reported incidents of student misbehavior will be determined on a case by case basis based on 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 be determined within ten working days.

In cases where the student is deemed to be a threat to themselves and/or others, the ACCLM 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. The ACCLM will then act in accordance with the outcome of such Appeal processes.

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

Students will be notified in writing of the outcome of any investigation into their reported misbehaviour, 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 DIBP 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 ACCLM's 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 misbehaviour, 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, ACCLM 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 ACCLM Student Services and the ACCLM Management respectively.

All documents relating to the investigation, its determination and associated letters will be filed by ACCLM Student Services and entered into RTO Manager.

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

## **Cancellation of Enrolment**

The ACCLM may cancel the enrolment of a student for the following reasons:

- Non-commencement of studies.
- Failure to pay course fees and charges.
- Unsatisfactory academic progress (breach of visa conditions).
- Unsatisfactory attendance (breach of visa conditions).
- 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 ACCLM 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 ACCLM.

When the ACCLM intends to cancel the enrolment of a student for:

- The non-payment of fees and charges;
- Unsatisfactory academic progress (breach of visa conditions); and/or
- Unsatisfactory attendance (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 ACCLM's 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 the ACCLM or the student withdraws from the appeals process before its final resolution.

If a student's enrolment is cancelled, the ACCLM 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 ACCLM Student Services and the ACCLM Management respectively.

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