



# POLICY AND PROCEDURE

## DEFERRAL, SUSPENSION AND CANCELLATION

### PURPOSE

The purpose of this policy is to outline the circumstances in which a student can defer, suspend or cancel their enrolment with Culinary Institute Australia (CIA) and where CIA can initiate the suspension or cancellation of the student's enrolment.

This ensures compliance with Standard 9 of the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018*.

### DEFINITIONS

**CoE** means Confirmation of Enrolment

**DHA** means Department of Home Affairs

**Deferral** mans to postpone commencement of studies

**Suspension** is a temporary postponement of studies

**SCV** is a Student Course Variation which is lodged against a Confirmation of Enrolment in PRISMS. More information about SCV categories is available here: [https://internationaleducation.gov.au/Regulatory-Information/Provider-Registration/Fees-And-Charges/Documents/SCV\\_QuickReferenceGuide.pdf](https://internationaleducation.gov.au/Regulatory-Information/Provider-Registration/Fees-And-Charges/Documents/SCV_QuickReferenceGuide.pdf)

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**PRISMS** means Provider Registration and International Student Management System (PRISMS).

## POLICY

### 1. Deferral and suspension of studies

- Requests from students for deferral and suspension of studies will only be granted in compassionate or compelling circumstances which are generally those beyond the control of the student and which have an impact on the student's course progress or wellbeing. These could 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 (supported by a death certificate where possible).
  - major political upheaval, pandemic, or natural disaster either requiring emergency travel or making it dangerous or impossible to travel to Australia.
  - a traumatic experience that has impacted on the student which could include involvement in, or witnessing of a serious accident or witnessing or being the victim of a serious crime (supported by police or psychologists' reports).
  - inability to begin studying on the course commencement date due to delay in receiving a student visa.
  - where CIA is 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.

These circumstances are an example of what may be considered compassionate or compelling circumstances; however, each case will be assessed on its individual merits.

- When determining whether compassionate or compelling circumstances exist, CIA considers documentary evidence provided to support the claim, and stores copies of these documents in the student's file.
- CIA will inform all students that deferment, suspension of enrolment may affect his or her student visa.
- Students wishing to suspend their enrolment must apply in writing to CIA a minimum ten (10) working days prior to the requested suspension date unless evidence of extenuating circumstances preventing them from contacting CIA is provided.
- Where a student-initiated deferral or suspension of enrolment is granted, CIA will suspend an enrolment for an agreed period of time - to a maximum of 12 months. If the deferral is required for longer than 12 months, the student's application will be re-assessed. If the suspension period has expired and the student does not return, the student's enrolment will be cancelled.
- Students falling into this category will be reported as a Student Course Variation in PRISMS in accordance with Section 19 (1) of the ESOS Act with the following timeframes:
  - within 14 days of the decision for students under 18; or
  - within 31 days of the decision for all other students.

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## 2. Provider initiated suspension, cancellation or non-commencement of studies

- CIA may suspend or cancel a student's enrolment including, for a number of reasons, including but not limited to:
  - Misconduct by the student such as breach of Student Code of Conduct (as outlined in the International Student Handbook and Written Agreement or plagiarism, collusion or cheating on assessment tasks.
  - The student's failure to pay an amount he or she was required to pay CIA as stated in the written agreement.
  - A breach of course progress requirements by the overseas student, which will occur in accordance with Standard 8 (Overseas student visa requirements) and as specified in CIA's *Course Progress Policy & Procedures*.
  - Non-commencement of a course on the agreed start date without a revised course offer from CIA.
- Where CIA suspends or cancels a student's enrolment, before imposing a suspension or cancellation, CIA will inform the student in writing of that intention and the reasons for doing so and advise the overseas student of the following:
  - To seek advice from DHA on the potential impact on their student visa (via the website or help line).
  - Of their right to appeal through the provider's internal complaints and appeals process, in accordance with Standard 10 (Complaints and Appeals), within 20 working days.
    - Where a student's safety is at risk, CIA may immediately suspend or cancel a student without providing this advice and the 20 working day appeal period.
- Where a student chooses to access CIA's internal appeals process in relation to this decision, the cancellation or suspension will not take effect or be reported in PRISMS until the internal appeals process is completed, unless the student's health or wellbeing, or the wellbeing of others, is likely to be at risk. Where a student chooses to access an external appeals process, DHA will still be notified via PRISMS.
- Unless an internal appeal is in process or granted, all provider-initiated suspension, cancellations or deferments of studies will be reported as a Student Course Variation and a Student Default in PRISMS in accordance with Section 19 (1) and (2) of the ESOS Act within the following the timeframes:
  - within 14 days of the decision for students under 18; or
  - within 31 days of the decision for all other students and
  - as soon as practicable where the student has breached course progress requirements.

## 3. Student initiated cancellation of studies

- CIA will inform all students that cancellation of enrolment may affect his or her student visa.
- Students may initiate cancellation of their studies at any time during their course, by completing a *Withdrawal Form*.

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- Students who wish to withdraw within six months of their course to transfer to another provider will be processed as per CIA's *Course Transfer Policy and Procedure*.
- This will be reported as a Student Course Variation and a Student Default in PRISMS in accordance with Section 19 (1) of the ESOS Act i.e. -
  - within 14 days of the decision for students under 18; or
  - within 31 days of the decision for all other students.

#### 4. Records

- All records relating to deferrals, suspensions and cancellations will be kept on the student's file. This will include all decisions made.
- All cases will be logged on the *Deferral, Suspension and Cancellation Register* and forwarded to the Training Manager upon updating.

#### 5. Publication

- This policy is provided to students in the International Student Handbook, which is provided to students prior to or upon commencement of a course, and also via CIA's website at [www.culinaryaustralia.edu.au](http://www.culinaryaustralia.edu.au)

## PROCEDURES

### 1. Student initiated deferral of enrolment

Relates to: National Code: 9.1, 9.2, 9.5

Procedure	Responsibility
<b>A. Process application from student</b> <ul style="list-style-type: none"> <li>• Provide <i>Application for Deferral Form</i> on request to students and notify student in writing that deferment may affect his or her visa and to seek advice from DHA on the potential impact.</li> <li>• Assist students to complete form as required.</li> </ul>	Admissions Officer
<b>B. Assess request for deferral and respond to student</b> <ul style="list-style-type: none"> <li>• Consider reasons for request for deferral and approve cases that fall within compassionate and compelling circumstances as defined in this policy.</li> <li>• Forward notification of decision within 10 working days of receipt of an application.</li> <li>• Where the deferral is approved: report SCV as 'student notifies cessation of studies', and additionally report a student default in PRISMS (within 14 days if a student is under 18 or within 31 days for all other students).</li> <li>• If the end date of the CoE is affected, a new CoE is created through PRISMS and sent to the student along with a new written agreement to reflect the new commencement date. Student will be required to sign and return new written agreement.</li> </ul>	Training Manager

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Procedure	Responsibility
<ul style="list-style-type: none"> <li>Where the request for deferral is approved and does not affect the end date of the CoE (i.e. it is a short period of deferment), although a new CoE will not be required, a notice of deferral will be recorded in PRISMS.</li> <li>A refund of fees paid will be made as per CIA's <i>Fees and Refunds P&amp;P</i>.</li> </ul>	

## 2. Student-initiated suspension of enrolment

- Relates to: National Code: 9.1, 9.2, 9.5

Procedure	Responsibility
<p><b>A. Process student request for suspension of studies</b></p> <ul style="list-style-type: none"> <li>Provide student the <i>Application for Leave of Absence Form</i> for request for suspension of studies and notify student in writing that deferment may affect his or her visa and to seek advice from DHA on the potential impact.</li> <li>Provide assistance to students in completing an <i>Application for Leave of Absence Form</i> as required.</li> <li>Students wishing to suspend their enrolment must apply in writing to CIA a minimum ten (10) working days prior to the requested suspension date. Note, however, that suspension may be granted retrospectively where the student was unable to contact the organisation to inform them of the suspension in their studies e.g. they were involved in a car accident.</li> </ul>	Training Manager
<p><b>B. Assess request for suspension of studies</b></p> <ul style="list-style-type: none"> <li>Consider reasons for request for suspension in line with the policy.</li> <li>Approve cases that fall within compassionate and compelling circumstances as defined in this policy.</li> <li>Notify DHA via PRISMS (within 14 days if a student is under 18 or within 31 days for all other students) of suspension of enrolment.</li> <li>Where the suspension is approved and does not affect the end date of the CoE (i.e. it is a short period of suspension), although a new CoE will not be required, a notice of suspension will be recorded in PRISMS and sent onto to DHA.</li> <li>Log on the Deferral, Suspension or Cancellation Register and update throughout the process Forward to CEO upon updating.</li> <li>Where the request for suspension is approved and affects the CoE, create a new CoE through PRISMS and send to the student, along with a new written agreement for signing to reflect the new CoE.</li> <li>If it is unclear when the student will return, wait until the student has advised of the intended date of return before creating a new CoE.</li> <li>Record suspension of enrolment in the Student Management System (by extending the end date on all incomplete units and changing the status of the enrolment)</li> </ul>	Training Manager

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Procedure	Responsibility
<ul style="list-style-type: none"> <li>Record in PRISMS as a Student Course Variation against the students CoE (within 14 days if a student is under 18 or within 31 days for all other students).</li> <li>If the student does not return after a break, it is considered that the student has 'inactively' advised CIA that they will not be continuing their studies.</li> <li>Inform student where the request for suspension is refused, including the reason for refusal and of their rights to access the Complaints and Appeals Policy and Procedure.</li> <li>All decisions on suspension are to be advised to students within 10 working days of receipt of an application.</li> </ul>	

### 3. Student-initiated cancellation of enrolment (withdrawal)

- Relates to: National Code: 9.1, 9.2, 9.5

Procedure	Responsibility
<p><b>A. Assess student withdrawal application</b></p> <ul style="list-style-type: none"> <li>Provide student with the <i>Application for Withdrawal Form</i> and notify student in writing that deferment may affect his or her visa and to seek advice from DHA on the potential impact.</li> <li>Note if the student is within first six months of course and is changing to a different course or college the <i>Course Transfer P&amp;P</i> must be followed and a <i>Course Transfer</i> form completed.</li> <li>Provide assistance to students as required to complete an <i>Application for Withdrawal Form</i>. If clarification is required on the reasons, Call the student to discuss reasons for the withdrawal.</li> <li>Log the application of the <i>Deferral, Suspension or Cancellation Register</i> and update throughout the process. Forward to Training Manager upon updating.</li> <li></li> </ul>	Administration Team
<p><b>B. Process application for withdrawal</b></p> <ul style="list-style-type: none"> <li>Where the deferral is approved: report SCV as 'student notifies cessation of studies', and additionally report a student default in PRISMS (within 14 days if a student is under 18 or within 31 days for all other students).</li> <li>Include reason for cancellation of enrolment; date enrolment was cancelled and any other relevant information.</li> <li>Process applicable refunds in accordance with CIA's <i>Fees and Refunds P&amp;P</i>.</li> <li>Ensure that student's financial records are adjusted to take account of the cancellation of enrolment as relevant.</li> <li>Inform all relevant personnel that the student's enrolment has been cancelled.</li> <li>Advise student in writing that their enrolment has been cancelled and that DHA has been informed and they will be advised of their change in visa arrangements.</li> </ul>	Administration Team

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Procedure	Responsibility
<ul style="list-style-type: none"> <li>Record cancellation of enrolment in the Student Management System, by withdrawing from any units that had commenced and updating the end date of those units.</li> <li>Include all documentation in the student's file.</li> </ul>	

#### 4. Provider-initiated suspension or cancellation of enrolment

Relates to: National Code: 9.1, 9.3, 9.4, 9.5 and 9.6

Procedure	Responsibility
<p><b>A. Suspend student on basis of misconduct that impacts their own or others safety</b></p> <ul style="list-style-type: none"> <li>If it is safe to do so – investigate the case as high priority, or skip this step if any delay has safety concerns. Ensure <i>Critical Incident P&amp;P</i> is followed if applicable.</li> <li>Notify the student in writing: <ul style="list-style-type: none"> <li>That they are temporarily suspended,</li> <li>Of the reasons for the decision &amp; that it is effective immediately due to safety concerns and DHA will be informed, and</li> <li>To seek advice from DHA on the potential impact on their student visa (via the website or help line).</li> </ul> </li> <li>Log the case on the Deferral, Suspension or Cancellation Register and update throughout the process. Forward to CEO upon updating.</li> <li>Lodge a Student Course Variation in PRISMS as '<i>Termination of student's study prior to completing the course</i>' (within 14 days if a student is under 18 or within 31 days for all other students). Also record a Student Default against the CoE.</li> <li>Continue to section C below</li> </ul>	Training Manager
<p><b>B. Suspend student for misconduct where safety is not compromised</b></p> <ul style="list-style-type: none"> <li>Where student is not obeying the Student Code of Conduct, discuss the case and whether to initiate suspension or whether a warning primarily may be sufficient.</li> <li>If proceeding with suspension, notify the student in writing: <ul style="list-style-type: none"> <li>Of the reasons for the decision</li> <li>To seek advice from DHA on the potential impact on their student visa (via the website or help line)</li> <li>Of their right to appeal through the provider's internal complaints and appeals process, in accordance with Standard 10 (Complaints and Appeals), within 20 working days.</li> </ul> </li> <li>If the decision is not appealed, or the appeal is refused, lodge a Student Course Variation in PRISMS as '<i>Termination of student's study prior to completing the course</i>' (within 14 days if a student is under 18 or within 31 days for all other students).</li> <li>Record a Student Default against the CoE in PRISMS. See PRISMS user guide for more information.</li> </ul>	Training Manager

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Procedure	Responsibility
<p><b>C. Decide on action and implement decision</b></p> <ul style="list-style-type: none"> <li>Investigate student misconduct that led to suspension decision, speaking to all parties involved ,</li> <li>Arrive at an appropriate decision e.g. issue a warning, charge for any damage caused, request a formal apology or suspend or cancel studies.</li> <li>Where the decision is to cancel the student’s enrolment, provide the student with a <i>Notice of Intention to Cancel Enrolment Letter</i> informing them of their right to access the <i>Complaints and Appeals P&amp;P</i>.</li> <li>Where the student accesses the Complaints and Appeals process and the decision following the internal appeals process is to cancel the student’s enrolment, or the appeals period is complete with no appeal., report via PRISMS SCV as <i>‘Termination of student’s study prior to completing the course’</i> (within 14 days if a student is under 18 or within 31 days for all other students).</li> <li>Record a Student Default against the CoE in PRISMS. See PRISMS user guide for more information.</li> </ul>	<p><b>Training Manager</b></p>

## 5. Student non-commencement of studies

Refer: ESOS Act 2000, (Cth): Section 47A

Relates to: 9.1, 9.3, 9.5 and 9.6

Procedure	Responsibility
<p><b>A. Monitor approved CoEs</b></p> <ul style="list-style-type: none"> <li>On a fortnightly basis – print a report of CoEs with status of ‘Visa Granted’ and an expected commencement date in the upcoming fortnightly period.</li> <li>Contact all students to notify them of how and when to attend orientation, what to bring and anything to prepare etc.</li> <li>Remind them of their expected commencement date and that if they do not commence without an approved deferral, they will receive a cancellation notice and duly reported to DHA unless the decision is appealed.</li> <li>Any enquiries about transfers, suspensions or withdrawals from these students should be treated as urgent and promptly responded to in accordance with these policies and procedures.</li> </ul>	<p><b>Administration Team</b></p>
<p><b>B. Notify of Non-Attendance</b></p> <ul style="list-style-type: none"> <li>Provide the student with a <i>Notice of Intention to Cancel Enrolment Letter</i> informing them of their right to access the <i>Complaints and Appeals Policy and Procedure</i>.</li> <li>Log the case on the <i>Deferral, Suspension or Cancellation Register</i> and update throughout the process Forward to Training Manager upon updating.</li> <li>In 20 working days (and before 31 days for students over 18) if there is no internal appeal granted or ongoing, log SCV in PRISMS for ‘Non-commencement of studies’.</li> </ul>	<p><b>Training Manager</b></p>

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Procedure	Responsibility
<ul style="list-style-type: none"> <li>Record a Student Default against the CoE in PRISMS. See PRISMS user guide for more information.</li> </ul>	

## 6. Other provider-initiated cancellation

Relates to: 9.1, 9.3, 9.5 and 9.6

Refer ESOS Act 2000, (Cth): Section 47A

Procedure	Responsibility
<p><b>A. Refer to other procedures</b></p> <ul style="list-style-type: none"> <li>In the case of non-payment of fees refer to Fees and Refunds P&amp;P.</li> <li>In the case of Course Progress or Attendance issues refer to <i>Course Progress and Attendance P&amp;P</i>.</li> <li>In all of these, log on the <i>Deferral, Suspension or Cancellation Register</i> and update throughout the process Forward to Training Manager upon updating.</li> <li>Where the appeals period is complete with no appeal or the appeal is rejected. Report via PRISMS SCV (within 14 days if a student is under 18 or within 31 days for all other students) or as soon as practicable where a student has breached course progress/attendance requirements as this is a condition of their Visa.</li> <li>Record a Student Default against the CoE in PRISMS. See PRISMS user guide for more information.</li> </ul>	Training Manager

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## Appendix A Deferral Suspension and Cancellation Type - Reference Table

This table also appears in tab 2 of the SC10.7-I – Deferral Suspension and Cancellation Register.

SCV type	relevant policy	student default?	20 working day appeal period required?	reporting timeframe from decision being made
Student initiated deferral - compassionate reasons	CIA-006 Deferral, Suspension and Cancellation P&P	no	no	within 14 days if under 18 or within 31 days
Student initiated suspension - compassionate reasons	CIA-006 Deferral, Suspension and Cancellation P&P	no	no	within 14 days if under 18 or within 31 days
Student initiated cancellation of enrolment (withdrawal)	CIA-006 Deferral, Suspension and Cancellation P&P	yes	no	within 14 days if under 18 or within 31 days
Student initiated - transferred to a course at another provider	CIA – 002 Course Transfer P&P	yes	If the application is refused only	within 14 days if under 18 or within 31 days
Provider initiated suspension - compassionate reasons	CIA-006 Deferral, Suspension and Cancellation P&P	no	yes	within 14 days if under 18 or within 31 days
Provider initiated suspension - misbehaviour	CIA-006 Deferral, Suspension and Cancellation P&P	no	yes	within 14 days if under 18 or within 31 days
Provider initiated suspension - misbehaviour - with safety risk	CIA-006 Deferral, Suspension and Cancellation P&P	no	no	within 14 days if under 18 or within 31 days
Provider initiated cancellation - misbehaviour	CIA-006 Deferral, Suspension and Cancellation P&P	yes	yes	within 14 days if under 18 or within 31 days
Provider initiated cancellation - non-commencement of studies	CIA-006 Deferral, Suspension and Cancellation P&P	yes	yes	within 14 days if under 18 or within 31 days
Provider initiated cancellation - non-payment of fees	CIA- 004 Fees and Refunds P&P	yes	yes	within 14 days if under 18 or within 31 days
Provider initiated cancellation - Course Progress/Attendance	CIA- 009 Course Progress P&P	yes	yes	as soon as practicable and within 14 days if under 18 or within 31 days

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## Document Control

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