

Deferral, Suspension and Cancellation Policy and Process

PURPOSE

To provide a documented process for assessing, approving and recording a deferment, suspension or cancellation of studies for a student in accordance with the requirements of the National Code and ESOS Act.

SCOPE

This policy and procedures applies to all Level Up English (LUE) students on international student visas.

DEFINITIONS

Deferral: means to delay the commencement of a course.

Suspension: means to temporarily delay the enrolment once the course has commenced.

Cancellation: means the cessation of an enrolment on a course

DSC Form: means Deferral, Suspension and Cancellation Form

Misbehaviour: is defined as students who display unacceptable behaviour in accordance with LUE's Code of Conduct.

Compassionate or Compelling circumstances: is defined as circumstances beyond the control of the student and which have an impact upon the student's course progress or wellbeing. These could include, but are not limited to:

- a) Serious illness or injury, where a medical certificate states that the student was unable to attend classes,
- b) depression or severe homesickness,
- c) even though the student is making a genuine effort to learn by attending 80 percent or more of scheduled classes, he or she is unable to pass 50 percent or more of scheduled weekly tests in a study period. LUE regards this as evidence that the student's language learning skills require additional time for consolidation,
- d) Bereavement of close family members such as parents or grandparents (Where possible a death certificate should be provided),

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- e) Major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the student's studies,
- f) A traumatic experience which could include:
 - Involvement in, or witnessing of a serious accident; or
 - Witnessing or being the victim of a serious crime, and these experiences have impacted on the student (cases should be supported by police or psychologists' reports)
- g) Inability to begin studying on the course commencement date due to delay in receiving a student visa.

POLICY

1. All documentation relating to deferment, temporary suspension or cancellation of studies will be held in the student's file.
2. Students are informed that Deferral, Suspension or Cancellation of enrolment may affect the student's visa.
3. There is no maximum period for a deferral or suspension if the deferral or suspension is for compassionate or compelling reasons.
4. LUE will not monitor a student's attendance during a suspension or deferment period.

LEVEL UP ENGLISH INITIATED

Grounds for Deferment, Suspension and Cancellation

1. In accordance with the National Code, LUE can defer or temporarily suspend a student's enrolment on the grounds of:
 - a) Compassionate or compelling circumstances, or
 - b) Misbehaviour by the student
2. LUE may cancel a student's enrolment on the grounds of:
 - a) Serious misbehaviour by the student (see *Misbehaviour* below for details)
 - b) Failure to comply with student visa obligations for Course Progress and Attendance, and any formal warning issued by LUE against these processes
 - c) The Non-Payment of Course Fees in accordance with the Contract Agreement and Payment Schedule.

Right to Appeal

1. In any given situation that leads to a deferment, temporary suspension or cancellation of studies, and instigated by LUE, the student will receive formal written notification of LUE's intention to defer, suspend or cancel the student's enrolment and that the student has 20 working days to access LUE's Internal Complaints and Appeals process.

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2. The deferment, temporary suspension or cancellation of studies will not take effect until the Internal Complaints and Appeals process has been completed, unless extenuating circumstances relating to the welfare of the student or institute apply (see below).
3. At the completion of the complaints and appeals process, should the deferment, temporary suspension or cancellation of studies be upheld by the complaints and appeals hearing, LUE will inform the Secretary of the Department of Education via PRISMS as required under the ESOS Act.
4. LUE will only wait for completion of the *internal* appeals process before proceeding with the deferment, suspension or cancellation of enrolment. The only time LUE will wait until *both internal* and *external* appeal processes to be completed is for course progress or attendance breaches.
5. The student's right to appeal a deferment, suspension or cancellation will be waived in circumstances when the student's health and wellbeing or those of others is likely to be at risk. Examples of such circumstances may include, but is not limited to when the student:
 - has medical concerns, severe depression or psychological issues which makes LUE fear for the overseas student's wellbeing;
 - has engaged or threatens to engage in behaviour that LUE reasonably believes may endanger the overseas student or others; or
 - is at risk of committing a criminal offence.

Misbehaviour

1. To ensure all students receive equal opportunity to gain the maximum benefit from their training, any person(s) displaying the following dysfunctional or disruptive behaviour may be asked to leave the session and/or the course. Examples of unacceptable behaviour include but are not limited to the following:
 - a) Continuous interruptions of the trainer.
 - b) Smoking in non-smoking areas.
 - c) Displaying threatening or abusive behaviour towards staff and/or students. Such behaviour includes shouting, swearing, name-calling and harassment by using offensive language, aggressive behaviour, inappropriate gestures
 - d) Sexual harassment.
 - e) Acting in an unsafe manner that places themselves and/or others at risk.
 - f) Refusing to participate when required, in group or other class activities.

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- g) Malicious acts that pose a threat to LUE or student property or their reputation.

STUDENT INITIATED

1. In accordance with the National Code, students may, through formal agreement with LUE, be given permission to defer commencement of, temporarily suspend or cancel their studies. This may only occur on the grounds of:

- b) Compassionate or compelling circumstances, or
- c) Student visa delay

If a deferral is granted because of a student visa delay, the maximum deferral period is 28 working days.

When assessing an application for deferment or suspension on compassionate or compelling circumstances, LUE will use its professional judgement to appraise the evidence.

PROCEDURE

Deferral

1. Applications for deferral of course commencement must be made by completing a DSC Form with any additional evidence and submitting it to LUE Administration Staff prior to the course commencing.

The DSC Form can be submitted via email, fax, mail or in person.

2. Once LUE has processed the deferral request, the student will receive a written correspondence of the outcome within 28 days.
 - a) An updated Confirmation of Enrolment letter and Enrolment Agreement will be provided to reflect the new schedule.
 - b) LUE will inform the Secretary of the Department of Education via PRISMS as required under the ESOS Act.

Suspension

1. Applications for Suspension of Enrolment must be made by completing a DSC Form with any relevant evidence and submitting it to LUE Administration Staff.
2. Applications must be received prior to the requested Suspension date.

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3. Applications received after the requested Suspension date may not be processed except in the event of compassionate or compelling circumstances where the student demonstrates they were unable to apply earlier. In such circumstances, LUE may suspend a student's enrolment retrospectively.
4. Once LUE has processed the Suspension request, the student will receive written notification of the outcome.
5. If applicable, LUE will inform the Secretary of the Department of Education via PRISMS.

Cancellation

1. Applications for Cancellation of enrolment must be made by completing a DSC Form with any additional evidence and submitting it to LUE Administration Staff. The DSC Form can be submitted via email, fax, mail or in person.
2. Once LUE has processed the Cancellation request, the student will receive a written correspondence of the outcome within 14 days.
3. If the request is granted, the student will receive a Letter of Release
4. Once the Cancellation has been processed, LUE will inform the Secretary of the Department of Education via PRISMS.

REPORTING PROCESS

Level Up English Initiated

- a) LUE Student Administration staff complete a DSC Form with any supporting evidence
- b) The Academic Manager is informed and evaluates supporting evidence and gives final approval.
- c) LUE Student Administration will inform the student of the decision and intended course of action along with the student's right to appeal the decision in accordance with the Complaints and Appeals Policy
- d) At the completion of the complaints and appeals process, should the deferment, temporary suspension or cancellation of studies be upheld by the complaints and appeals hearing, or 'extenuating circumstances relating to the welfare of the student apply', LUE will inform the Secretary of the Department of Education via PRISMS. [Please see *Right to Appeal* section above for more details on student

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- rights to appeal and LUE obligations.]
- e) Administration Staff place all documents on the student's file and record the result in the Student Management System.