



## Leave, Deferral, Suspension, Cancellation & Withdrawal Policy/Procedure

No: 3-6000

Issue date: 15 October 2011

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**Purpose:** The purpose of this policy/procedure is to enable students to defer, temporarily suspend, cancel or withdraw from their studies, including granting a leave of absence, during the course through formal agreement in certain limited circumstances.

**Responsible Person:** CEO

### **Policy:**

Students may submit a request for temporary leave, deferment or suspension of their studies if they have a valid reason for doing so. Temporary (short term leave) is defined as any period up to one month. Deferral is defined as greater than 1 month up to 1 (one) year.

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

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

EQUALS also have the right to be able to defer or temporarily suspend the enrolment of a student on the grounds of compassionate and/or compelling circumstances.

### **Definitions:**

#### **Compassionate Or Extenuating Circumstances – resulting in temporary leave, deferral, program suspension or cancellation.**

Compassionate or extenuating circumstances are generally beyond the control of the student and have an impact on the student's academic progress or wellbeing. These include and are not limited to:

- serious illness or injury occurring after enrolment. This must be supported by a medical certificate stating when the injury occurred or illness commenced.
- bereavement of close family members such as parents or grandparents (where possible death certificates 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; or
- traumatic experience which could include; involvement in, or witnessing of a serious accident; or 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
- inability to begin studying on the course commencement date due to delay in receiving a student visa.

Additional compassionate or extenuating circumstances may apply and EQUALS will make a professional judgment and assess each case on its individual merits.

Counselling will be made available to students where required.



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### Definitions continued

#### **Student Misbehaviour – resulting in Suspension or Cancellation**

Students are expected to comply with the EQUALS Code of Conduct throughout their enrolment with EQUALS to ensure they maintain ethical behaviour.

EQUALS may suspend or cancel a student's enrolment due to misbehaviour (including academic misconduct) if a student is found to have behaved unethically or against relevant contractual obligations and or EQUALS' expectations, policy and/or procedures.

Student Misbehaviour includes but is not limited to:

- Harassment or intimidation of another student, member of staff of EQUALS, a visitor to EQUALS, or any other person while the student is engaged in study or any other EQUALS related activity as an EQUALS student because of another persons race, ethnic or national origin, sex, martial status, sexual preference, disability, age, political conviction, religious belief or for any other reason
- Academic Misconduct including attempts by a student to cheat, plagiarise or otherwise act dishonestly in undertaking an assessment task, or assisting another student to do so. Students are considered guilty of cheating if they seek to gain advantage by unfair means
- Preventing or disrupting learning,
- Disobeying/failing to comply with contractual or legal requirements (including payment of fees)
- Misusing, damaging or stealing property of the property of others
- Altering or defacing EQUALS documents or records,
- Prejudices the good order and governance of EQUALS or interferes with the freedom of other people to pursue their studies , carry out their function or participate in any EQUALS activities
- Wilfully disobeys or disregards any lawful order or direction
- Refuses to identify him or herself when lawfully asked to do so by an employee of EQUALS
- Fails to comply with any penalties imposed for breach of discipline
- Misbehaves in a class, meeting or other activity under the control or supervision of EQUALS, or on EQUALS premises or other premises to which the student has access to as a student of EQUALS
- Act dishonestly in relation to admission to EQUALS
- Knowingly makes false or misleading representation about things that concern the student as a student of EQUALS or breaches any of EQUALS rules
- Breach any confidence of EQUALS
- Misuses any facility in a manner which is illegal or which is or will be detrimental to the rights or property of others. This includes the misuse in any way of any computing equipment, communications equipment, processing or production equipment or any other property that the student has access to as a student of EQUALS
- Steals, destroys or damages a facility or property of EQUALS or the damage to any other property that EQUALS may be responsible for
- Unauthorised absence from classes (this will initiate the 3-5200 Student Attendance Monitoring Procedure)



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### Definitions continued

#### Withdrawal from Program

A student may be granted withdrawal from their program where:

- they have applied and been accepted into another program within EQUALS
- Have been accepted into a course within an external training organisation (this will initiate 3-5800 Transfer between Registered Providers Procedure)
- Have had changes to their visa such as being granted a Spouse visa or Permanent Residency
- Initiate student visa cancellation by leaving Australia

#### Reporting & Documentation

1. The student should complete a F381 (Leave, Deferral and Withdrawal Form) and evidence provided to support the request. The signed form should be submitted to EQUALS. The application and supporting documents will then be reviewed by EQUALS Management and an outcome decided. Supporting documentation may include a medical certificate, plane tickets, police report or similar.
2. The completed form and supporting documentation is to be filed in the Student File. Summary notes are documented in Wise.NET.
3. Students will be advised of the outcome of their request, or of the proposed change of their enrolment status. For temporary (short term) leave, the student will be notified through the F381; for deferral, the student will be notified by letter (F870). This document will notify the student that the decision may affect his or her student visa. The student will acknowledge the decision by (where possible) signing the "Outcome" section of the F381. If this is not possible, the student will be notified by email or hard copy letter. The completed F381 and supporting documentation will be maintained in the student file and communication records will be updated accordingly. Student files are kept in a secure filing area.
4. Where a student has found to have behaved unethically or misbehaved (e.g. plagiarism), or against relevant contractual obligations, the student may be required to complete an incident report (F 31) and attend a counselling session. A formal warning may be issued in writing or verbally. Continuation of studies will be at the total discretion of EQUALS.
5. Should EQUALS initiate the suspension or cancellation of a student's enrolment, it will notify the student of its intention (F858 Notice of Intention to Cancel Letter) and allow the student 20 working days to access the internal complaints and appeals process as per standard 8.1 of the National Code 2007, unless extenuating circumstances relating to the welfare of the student apply. If the student accesses the EQUALS' internal complaints and appeals process, the suspension or cancellation of the student's enrolment under this standard will not take effect until the internal process is completed. The notice will advise the student that his or her student visa may be affected.
6. At the conclusion of the appeals period, and if the student has not accessed the appeals process EQUALS will notify the Secretary of DEEWR via PRISMS as required under section 19 of the ESOS Act where the student's enrolment is deferred, temporarily suspended or cancelled.



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7. The process of deferring, suspending or cancelling enrolment will be recorded and documented in the student's file. Documentary evidence and correspondence will be kept within the student's file.
8. In the case of deferral, EQUALS will send the student a confirmation of deferment letter (F870) including advice that deferring their enrolment may affect their student visa.
9. The period of deferral of enrolment will not be included in attendance monitoring calculations.

### **Documents:**

- F 381 Leave/ Deferral Form
- F 191 Withdrawal Form
- F 192 Transfer Form
- F 870 Deferral Approval Letter
- F 871 Suspension Letter for Overdue Fees
- F 858 Notice of Intention to Cancel
- F 031 Incident Report