

Deferral, Suspension and Cancellation Policy

Purpose

This policy provides guidance to international students on the eligibility and requirements of an approved deferral, suspension and cancellation. This policy complies with the requirements of the Education Services for Overseas Students Act 2000 (ESOS) and the National Code 2007, specifically Standard 13.

A student may only defer his/her studies on the grounds of illness, evidenced by a doctor's certificate, compassionate or compelling circumstances on grounds beyond the control of the student. Students must apply to Careers Australia for deferral of their studies and in doing so acknowledges that Careers Australia may choose to grant or decline any such request. If a student wishes to change courses they must seek prior approval from DIAC.

Situations that could give rise to a student initiated deferral of enrolment, include but are not limited to:

- Serious illness or injury, where a medical certificate state 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;
- A significant traumatic experience;
- Inability to begin studying on the course commencement date due to delay in receiving a student visa;

Situations that could give rise to a student initiated suspension of enrolment, include but are not limited to:

- Serious illness or injury, where a medical certificate state 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;
- A significant traumatic experience;

Situations that could give rise to a Careers Australia initiated cancellation of enrolment, include but are not limited to:

- Careers Australia is unable to offer a pre-requisite unit
- The student's behaviour is unacceptable as defined by the Careers Australia Deferral, Suspension or cancellation policy document available from the website
- Failure to pay tuition fees
- Failure to maintain satisfactory course progression
- Failure to maintain satisfactory attendance (CAIE students only)

Situations that could give rise to a student initiated cancellation of enrolment, include but are not limited to:

- Serious illness or injury, where a medical certificate state 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;
- A significant traumatic experience;
- Inability to pay tuition fees

CAG will advise DEEWR via PRISMS that the student's enrolment has been deferred, temporarily suspended or cancelled.

Students have the right to appeal a decision by CAG to suspend or cancel their studies and CAG will not notify DEEWR (Department of Education, Employment and Workplace Relations) of a change to the enrolment status until the internal complaints and appeals process is completed.

Eligibility for deferral

Under the requirements of the National Code 2007, international students are permitted deferral in certain limited circumstances. A deferral may affect a student's visa as under section 19 of the ESOS Act 2000, providers are required to notify the Secretary of the DEEWR. This action will also inform the Department of Immigration and Citizenship (DIAC).

International students will only be granted deferral for compassionate or compelling circumstances. Compassionate or compelling circumstances are generally those beyond the control of the student and have an impact upon the student's course progress or wellbeing. As noted previously, 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;
- Major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the student's studies; or
- A traumatic experience such as involvement in, or witnessing of a serious accident or, being the victim of a serious crime.
- Inability to begin studying on the course commencement date due to delay in receiving a student visa; or

All claims of compassionate or compelling circumstances must be supported by appropriate evidence such as original or a certified copy of a death certificate, medical and psychological certificates, or police reports.

Deferral of Commencement

Students who require an extension to their commencement date will need to apply in writing to the International Programs Unit (IPU). The application will be assessed by the IPU Manager and approval of an extension will be subject to when the student wishes to commence, how this will impact on their ability to catch up on missed units of competency and their ability to then maintain satisfactory course progression.

The IPU will advise Student Administration of the outcome and will then advise the student if the request has been approved. Students will be issued with a new confirmation of enrolment (eCOE) and the application placed on the students file.

In the event of an application being declined, the IPU will advise the student in writing of the outcome, the reasons for the decision and recommend commencement in the subsequent study period.

If the student agrees to the suggested new commencement date, a new Letter of Offer will be issued. Once the completed and signed Letter of Offer is returned, the existing eCOE will be cancelled and a replacement eCOE issued.

Requirements for suspension once enrolment has commenced.

International students must support their application for suspension with an airline ticket and evidence of compassionate or compelling circumstances. International students are not permitted to remain in Australia for the duration of their approved suspension. The airline ticket must show departure from Australia within twenty eight (28) days from the application of a suspension. Return to Australia must be no earlier than four (4) weeks prior to the commencement of the next study period.

International students are encouraged to seek advice from DIAC on how the potential change to their enrolment status may impact upon their visa. Students who are granted a suspension are also advised to check with the Australian Embassy in their home country prior to their return to Australia to ascertain the status of their student visa.

Return from suspension

Students will be required to re-enrol for the commencement of the following study period. International students will be issued with a new confirmation of enrolment (CoE) once they have enrolled in the following study period.

Any student who has not re-enrolled, or who has extended their suspension without the permission of CAG will be deemed to have discontinued their studies and will be cancelled by CAG. This will affect their student visa as CAG will notify the Secretary of DEEWR as per section 19 of the ESOS Act 2000. This action will also alert DIAC.

Fees

International students applying for a suspension within the first four weeks of the commencement of the study period will have their fees transferred to the subsequent study period. If the student subsequently withdraws, the CAG Refund policy applies from the date CAG received advice in writing regarding the deferment.

International and local full fee paying students applying for a suspension from the fifth week of the semester will have all tuition fees applicable to that semester forfeited.

All claims of special circumstances must be supported by appropriate evidence such original or a certified copy of a death certificate, medical and psychological certificates, or police reports.

Right of Review

Students have the right of review of an unsuccessful application if they can submit additional documentation to Student Services demonstrating eligibility.

Student enquiring about deferment or temporary suspension of enrolment are advised to contact Student Services for process details and necessary required documentation.

Guidelines – Student Misbehaviour**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.

Student's responsibilities:**Assessments**

- Students must not help or receive assistance from other students where there are examination conditions
- Students must not request the loan of or lend materials or devices to other students
- Students must not bring any materials into the examination room other than those specified for that examination
- Students must not use computer software or other devices during an examination other than those specified.

A student may be excluded from a final examination in a unit for any of the following reasons:

- unauthorised absence from class.
- failure to meet unit requirements, for example non-submission of assignments or failure to attend class or mid-semester tests.
- academic misconduct
- general misconduct (see below)

Other assessment tasks

- Students must not copy or paraphrase any document, audio-visual material, computer-based material or artistic piece from another source except in accordance with the conventions of the field of study
- Students must not use another person's concepts, results or conclusions and pass them off as their own
- In cases where the assessment task is intended to be individual work not group work, students must not prepare an assignment collaboratively and then submit work that is substantially the same as another student's assessment.
- Students must not ask another person to produce an assessable item for them.

Careers Australia Group's responsibilities:Procedural fairness

- Students must be treated fairly, with dignity and with due regard to their privacy
- Students are to be regarded as innocent of the alleged misconduct until they have either admitted to it or been found by proper inquiry of the student conduct committee to have so behaved.
- Past misconduct is not evidence that a student has behaved in the same manner again.
- Each case is dealt with on its own merits and according to its own circumstances with the proviso that the first instance of misconduct will be penalised more leniently than subsequent instances of misconduct.

Penalties

- Penalties imposed will take into account the nature and the extent of the misconduct
- Penalties imposed will take into account the students' stage in the program
- Penalties imposed will take into account the conventions of the field of study
- A student's second offence is penalised more severely than their first offence and a third offence will result in cancellation of enrolment

The following penalties may be imposed: a warning, a reduction in grades, re-submission of assessment, failing the unit, enrolment cancelled and DEEWR notified via PRISMS as required under section 19 of the ESOS Act.

Notification and appeal

1. Students will be notified in writing of penalties as a consequence of academic 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
3. Appeals must be lodged in writing with the Student Services within 20 days of the date of the student being notified of the consequence.

General misconduct

Students are expected to respect other students, staff and property so that learning and teaching can take place freely, safely and without impediment due to the misconduct of others.

General misconduct is where a student: acts dishonestly; harasses other students or staff; interferes with students or staff; prevents or disrupts learning; disobeys/fails to comply with contractual or legal requirements; misuses, damages or steals CAG property or the property of others; alters/defaces CAG documents or records; prejudices the good name of CAG, or otherwise acts in an improper manner.

CAG will report all criminal acts committed by its students to the relevant authorities.

The following examples indicate the kinds of behaviour which constitute student misconduct. They are for illustrative purposes and are not intended to be exhaustive. Student misconduct occurs when a student

- contravenes any rules or acts;
- prejudices the good name or reputation of CAG;
- prejudices the good order and governance of CAG or interferes with the freedom of other people to pursue their studies, carry out their functions or participate in the life of CAG;
- fails to comply with conditions agreed in the contract;
- wilfully disobeys or disregards any lawful order or direction;
- refuses to identify him or herself when lawfully asked to do so by an officer of CAG;
- fails to comply with any penalty imposed for breach of discipline;
- misbehaves in a class, meeting or other activity under the control or supervision of CAG, or on CAG premises or other premises to which the student has access as a student of CAG;
- obstructs any member of staff in the performance of their duties;
- acts dishonestly in relation to admission to CAG;
- knowingly makes any false or misleading representation about things that concern the student as a student of CAG or breaches any of CAG's rules;
- alters any documents or records;
- harasses or intimidates another student, a member of staff, a visitor to CAG, or any other person while the student is engaged in study or other activity as an CAG student, because of race, ethnic or national origin, sex, marital status, sexual preference, disability, age, political conviction, religious belief or for any other reason;
- breaches any confidence of CAG;
- 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 or communications equipment or capacity to which the student has access at or away from CAG premises while acting as an CAG student, in a manner which is illegal or which is or will be detrimental to the rights or property of others;
- steals, destroys or damages a facility or property of CAG or for which CAG is responsible; or
- is guilty of any improper conduct.

Penalties for general misconduct

Penalties imposed will take into account the nature and the extent of the misconduct. A student's second offence is penalised more severely than their first offence and a third offence will result in cancellation of enrolment.

If the student admits to the alleged misconduct, the General Manager, may impose one or both of the following:

- a charge for the cost of damage to facilities and equipment
- temporary exclusion from classes.

The General Manager may with impose the penalty of cancellation of enrolment in the case of physical or verbal abuse of students or staff of CAG, repeated or severe misconduct, or in the case of criminal acts. DEEWR will be notified via PRISMS as required under section 19 of the ESOS Act.

Notification and appeal

Students will be notified in writing of penalties as a consequence of general misconduct

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 Student Services 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.