



## 1. Purpose

Everthought Education (ETE) and Everthought College of Construction (ECOC), also trading as Australian Institute of ICT (AIICT), acknowledge that there are times whereby students cannot engage in their studies or do not wish to continue their studies. ETE, ECOC, and AIICT are committed to providing quality customer services, however if required, all RTOs provide students with the ability to withdraw from a course with as little inconvenience to the student as possible. This policy outlines how the RTOs define the various circumstances where a student opts to withdraw from their studies, for a short period of time (deferral) or permanently (withdrawal). It also outlines how, when required, the RTOs opts to remove a student from study (suspension) or permanently (cancellation) or when a course does not commence as scheduled (deferral). The circumstances in which a student can defer, suspend or cancel their enrolment and where the RTO can initiate the suspension or cancellation of the student's enrolment are outlined in this Policy and Procedure. This Policy and Procedure must be read in conjunction with the Fees and Charges and Refunds Policy and Procedure, which outlines the financial impact on a student, based on the various circumstances.

## 2. Responsibilities

This Policy and Procedure covers all of ETE, ECOC, and AIICT's training and assessment services across all campuses and all training/academic, student services, and governance staff members.

## 3. Responsibilities

The General Manager is responsible for ensuring this Policy and Procedure is implemented. The Compliance Coordinator is responsible for ensuring this Policy and Procedure is maintained and up to date in line with scheduled revisions. Managerial staff are responsible for ensuring their teams are up-to-date with this Policy and Procedure.

## 4. Policy and Procedure

### A. ALL STUDENTS

No financial nor administrative barriers is ever put in place for any student wishing to withdraw from their course.

Students are advised that there is no application fee charged for requests for deferment or withdrawal from their enrolled course/s.

Where a student withdraws or their enrolment is cancelled by the RTO, a Statement of Attainment will be issued for all units of competency achieved (deemed as Competent by the Assessor) subject to all pro-rata fees paid and a USI provided.

The following circumstances apply and are strictly followed by all relevant RTO staff:



### **RTO-Initiated Deferral, Suspension or Cancellation of Enrolment**

The RTO may *defer* student's commencement on the following grounds:

- When a course is not offered.

The RTO may *suspend* a student enrolment on the following instances:

- When a student is deemed to be in breach of the **Student Code of Conduct** (available in the **Student Handbooks**).
- When a student is deemed not making satisfactory course progress and fails to comply with their study requirements, such as their **Written Agreements** (for international students), **Training Plans** (for domestic trainees) and/or **Intervention Plans**.

The RTO may *cancel* a student enrolment on the following instances:

- When a student misbehaves (refer below) and/or demonstrates serious breach of the **Student Code of Conduct**.
- When a student is in breach of the **Progression and Intervention Policy and Procedure**.
- When a student is continually absent from scheduled course hours.
- Non-payment of outstanding fees.

In cases where suspension or cancellation of the student's enrolment is initiated by the RTO, students will be notified and given 20 working days to access the RTO's internal complaints and appeals process (see **Complaints and Appeals Policy and Procedure**). All cancellations are to be approved by the Compliance Coordinator.

### **Misbehaviour**

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:

- continuous interruptions of the trainer.
- smoking in non-smoking areas.
- being disrespectful to other participants.
- harassment by using offensive language.
- sexual harassment.
- acting in an unsafe manner that places themselves and others at risk.
- refusing to participate when required, in group activities.
- continued absence or late arrival at required times.

### **Student-Initiated Deferral, Suspension, Cancellation of Enrolment**

Students may initiate the deferral, suspension and cancellation of enrolment, including granting of a leave of absence during the course through formal agreement with the RTO on the following limited circumstances:



- On the grounds of compassionate or compelling circumstances: conditions which are beyond the control of the student which may impact on the student's course progress or wellbeing. These may include, but may not be limited to the following:
  - Where international students do not receive their visa in time to arrive at the RTO to commence study.
  - Serious illness or injury – where a medical certificate states 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 home country requiring emergency travel and this has impacted on the student's studies.
  - A traumatic experience i.e. involvement in or witness a serious crime or accident and has impact on the students.
  - Where the RTO is unable to offer a pre-requisite unit.
  - Other reasons may be considered but must have compelling documentary evidence to support the request.

Any other ground of compassionate or compelling circumstances must be reviewed and considered by the Training Manager, with RTO approval delegation. When determining whether compassionate or compelling circumstances exist, the Training Manager considers documentary evidence provided to support the claim, and stores copies of these documents in the student's file.

A retrospective deferment may be justified if the student was unable to contact the RTO, because of a circumstance such as being involved in a car accident.

All requests for a withdrawal must be made on the **Student Course Variation Form**, which is considered by the Training Manager. The outcome of the request will be in writing to the student and always within 5 working days of the lodgement of the Form.

Where an enrolled student is not progressing, ETE, ECOC, and AICT will, according to the **Progression and Intervention Policy and Procedure**, and after three (recorded on the student file) attempts at contact which have all resulted in a lack of student response (which may also be through their employer for domestic students), the RTO will undertake the following procedure:

- for students who have completed some of the course requirements, the RTO will cancel and advise the student in writing. Where relevant, the student's employer will also be notified by being copied into the email.
- for students who have completed the course's training but not submitted all assessments, the RTO will forward a reminder email, which advises of the cut-off date for assessment submission which will always be for a period of 6 months from the last contact date. Where relevant, the student's employer will also be notified by being copied into the email. No refund will be provided. Should the student not submit the outstanding assessments, the RTO will cancel the student.



- At all times, the RTO will advise the impacted student of the **Complaints and Appeals Policy and Procedure**, in the event that they wish to appeal the decision.

All students have the right to appeal the cancellation decision made, but it must be done within 10 days of the date of RTO's decision and using the RTO's **Appeals Lodgement Form** (available on RTO's website). Should the Form be lodged, the cancellation of the student's enrolment will not take effect 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.

Students may request to defer their studies up to a period of 6 months and through completion and submission of the **Withdrawal and Deferral Form**. All requests are subject to approval by RTO's General Manager and the student will be advised in writing of the RTO decision within 5 working days of the lodgement of the Form. All students have the right to appeal any decision made but it must be done within 10 days of the date of RTO's decision and using the RTO's **Appeals Lodgement Form** (available on RTO's website).

The RTO will notify the student one month in advance of the scheduled date of re-commencement of studies and unless RTO hears otherwise from the student or the student does not return, the RTO will cancel the student's enrolment.

If the deferral is required for longer than 6 months, the student must reapply within the one month notification period and at least 8 working days prior to their scheduled date of recommencement, so that the General Manager may reassess the new application.

All student applications for deferral or course cancellations will be assessed on a case by case basis and in accordance with the RTOs' **Privacy Policy and Procedure** (available on the various websites).

### **Student Leave of Absence**

Leave of absence is subject to approval by the RTO's Training Manager. Leave of absence is treated as a deferral if the course end is affected owing to the approved absence, due to the required period.

### **Suspended Students**

Where a student is suspended from their enrolled course, no fees will be refunded until the RTO and the student makes a decision to either continue (no fees will be refunded) or withdraw (partial refund based on the balance of tuition remaining against the fees paid to date). All students have the right to appeal the suspension decision made but it must be done within 10 days of the date of RTO's decision and using the RTO's **Appeals Lodgement Form** (available on RTO's website). The suspension of the student's enrolment will not take effect 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 the RTO makes a decision NOT to refund a student's full or partial fees and charges, the student will be referred to RTO's **Complaints and Appeals Policy & Procedure** for a review if requested, which may result in a full or partial refund to the student.

## B. INTERNATIONAL STUDENTS

A deferral or suspension may affect a student's visa under section 19 of the ESOS Act 2000. Providers are required to notify the Secretary of the Department of Education. This action will also inform the Department of Home Affairs. All international students are advised of the need to seek advice from the Department of Immigration and Border Protection (DIBP) on the potential impact on his or her student visa when applying for a withdrawal, suspension or deferment and where the RTO has decided to suspend or cancel the student's enrolment.

When ECOC determines a decision to cancel a student's enrolment based on an approved withdrawal request, a record of this decision will be maintained on the student file. ECOC will in turn, notify the Department of Education and Training through PRISMS, once the cancellation has been processed and after any appeal is considered. It will also inform the overseas student in writing of the decision advising them to seek advice from the Department of Home Affairs of the potential impact on their visa. This will be in the form of a **Letter of Release**.

In circumstances where an international student wishes to withdraw within six months of their course to transfer to another RTO, their application will be considered in accordance with ECOC's **Course Transfer policy (refer below)**.

### **Deferral and Suspension Periods - Outcomes on Confirmation of Enrolment (CoE)**

Under the requirements of the National Code 2018, international students are permitted deferral or suspension in certain limited circumstances, where a deferral relates to the postponement of studies prior to the commencement of study and may only be initiated by a student and a suspension relates to the temporary postponement of enrolment during a course.

The situations relating to deferral and suspension can result in the following three different outcomes for the student's Confirmation of Enrolment (CoE). ECOC notifies the Department of Education through PRISMS that it:

- is deferring or suspending a student's enrolment for a period without affecting the end date of the CoE. In this case there is no change to the CoE or the student's enrolment status on PRISMS i.e. the student's CoE status will still be listed as 'studying'.
- is deferring or suspending a student's enrolment for a period which will affect the end date of the CoE. In such situations, PRISMS will cancel the original CoE, and immediately offer the training provider the opportunity to create a new CoE with a more appropriate end date.



- wishes to permanently cancel (terminate) the student's enrolment. Once this process is complete, the student's CoE status will be listed as 'cancelled'.

#### **Course Variation Requested by the International Student**

From time to time, a change in the start date is required by the student. The student must complete and submit the **Course Variation Request Form**, available from ECOC's website, together with substantial proof for the change in the start date. The request will be considered by the Training Manager and should it be accepted, the CoE will be changed to the requested new start date. There is no fee related to this request. Should the request not be approved, the student will be referred to the **Complaints and Appeals Policy and Procedure**, so that they may consider lodging an appeal of the decision.

Once the approval has been granted, the course change will be updated in PowerPro and on PRISMS.

#### **Change in Course Requested by the International Student**

A student may request a change of course, however, it is dependent on approval by ECOC's Training Manager. Students are required to attend a meeting with a Student Support Officer to discuss their situation before a decision is made. Should the request be accepted, the CoE will be changed to the requested new start date and course. There is no fee related to this request. Should the request not be approved, the student will be referred to the **Complaints and Appeals Policy and Procedure**, so that they may consider lodging an appeal of the decision.

Once the approval has been granted, the course change will be updated in PowerPro and on PRISMS.

#### **Leave of Absence Requested by an International Student**

If the leave of absence meets the deferral conditions (refer above), the CoE will be changed, recorded on PowerPro and reported through PRISMS. If treated as short leave only, it is be recorded on PowerPro.

#### **Request to Withdraw and Transfer to an Alternative Provider**

All student visas are granted with the 'No Change of Provider' condition. In general, a student is expected to stay at the RTO at which they were originally registered. Specifically, it means that an international student must stay with ECOC for at least the first 6 months of their principal course. If the student is enrolled in a package of courses, they must stay with ECOC for the length of the prerequisite courses, and then the first 6 months of the main course.

As per the National Code, Standard 7, registered providers are restricted from enrolling transferring students for the first six months from the commencement of the student's principal course of study. In addition, ECOC will not knowingly recruit and enrol a transferring student from another education provider prior to 6 months of their principal course being completed.

Should a student seek to transfer within this period, they are reminded that consideration for granting a student visa in the first place by DIBP included a consideration of whether the applicant was a 'Genuine



Temporary Entrant<sup>1</sup>. Students who fail to live up to their declared primary driver of improving themselves through education are at risk of having their visa cancelled.

Therefore, students who wish to transfer to a different provider before completing six months studies at ECOC (the principal course provider), need to apply for a **Letter of Release** from ECOC, by completing a **Course Variation Form**.

ECOC will grant a **Letter of Release** only under exceptional circumstances which:

- impacted the student after the acceptance of their offer
- make it impractical for the student to complete six months of study at ECOC, and/or
- are beyond the control of the student and for which the student is not responsible.

ECOC will grant the **Letter of Release** only if the transfer will not be to the detriment of the student. ECOC will refuse to grant the **Letter of Release** if the transfer is considered to not benefit the student. Withdrawal of a student will be reported via PRISMS and the CoE will be cancelled.

To be considered for enrolment at ECOC, a learner who wishes to leave another education provider may be issued with a conditional letter of offer. This requires the applicant to provide a bone fide **Letter of Release** from their current provider or to demonstrate that they have completed at least 6 months of their principal course of study.

Once the original **Letter of Release** has been provided then the enrolment may be processed in the normal way (see **Application and Enrolment Policy and Procedure**).

ECOC will do nothing to encourage a student to move away from their current provider unnecessarily or in a way that might be to the detriment of the student (either educationally or for their welfare).

Applicants will not be required to meet the six month rule or have a **Letter of Release** when:

- the original registered provider has ceased to be registered or the course in which the student is enrolled has ceased to be registered
- the original registered provider has had a sanction imposed on its registration by the Australian Government or state or territory government that prevents the student from continuing his or her principal course or
- any government sponsor of the student considers the change to be in the student's best interest and has provided written support for that change.

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<sup>1</sup> Details available at <http://www.border.gov.au/Trav/Stud/More/Genuine-Temporary-Entrant> including a link to the Ministerial Direction that includes - "...decision makers must also have regard to the value of the course to the applicant's future."



ECOC may also use PRISMS or a copy of the student's visa in the passport to ascertain the principal course and whether they satisfy the 6 month ruling.

In relation to requests OUT OF ECOC, and in addition, the student must provide any additional evidence required. This may include (dependent upon the circumstances):

- acceptance letter from another provider
- additional documentary evidence of reasons for change (e.g. how change of course would benefit the learner)
- medical or other evidence as appropriate.

The Student Support team will immediately contact the finance department to confirm that:

- there are no outstanding fees owing to ECOC
- there are no issues relating to course work, course progress and or attendance relating to the learner.

The Head of Admissions and International Student Relations will consider the request and provide a written response to the request within 10 working days of the **Course Variation Request Form** and evidence being received. If additional information is requested, then the determination will be made within 10 working days of receipt of that evidence.

- In reviewing an application to Transfer OUT from ECOC, the following factors will be considered:
- Is the request to transfer away from ECOC in the best interests of the student - for example is the intended course at the same level or higher than that currently being undertaken or is it lower – if so why?
- Has the learner given due consideration, with valid reasons explaining why they have chosen a different study / career path?
- Has the student presented a valid letter of offer from another RTO?
- Has the student paid all fees or other charges that are due to date?
- Is the student trying to avoid disciplinary or other action being taken against them?
- Are they currently under a support arrangement for not meeting the course progress requirements?
- Is the learner is trying to avoid being reported to DIBP for failure to meet attendance or course progress requirements?
- If the requested transfer is to a course at a lower level than currently being undertaken then is the student currently enrolled on a course beyond their capabilities or are they failing to meet course progress requirements despite their best endeavours?

In these cases, the Head of Admissions and International Student Relations may seek feedback from the Student Support team prior to making a decision. This may lead to the student being asked to meet with the Student Support Officer before their feedback is given.





Transfer OUT requests will not be granted if any of the following are true:

- outstanding fees due to ECOC
- there is any disciplinary or other process in place – e.g. an Intervention Plan based on not meeting course progress requirements (see **Progression and Intervention Policy and Procedure**), or disciplinary procedures on going
- The request is based on a trivial request e.g. “my friend studies at another college”
- Required evidence (including supplementary evidence requested) is not provided to support the request.
- ECOC honestly believes that granting the request would be detrimental to the student.

ECOC will also consider requests based on ‘compelling and compassionate grounds’ on a case by case basis. The request will be reviewed by the Head of Admissions and International Student Relations who in these cases will make a recommendation that will be confirmed or amended by the General Manager.

The Head of Admissions and International Student Relations will provide the applicant with a written determination within 10 working days of the receipt of their request form.

This response may be sent to either their last recorded home address in Australia or via email to their registered email address, as provided to ECOC by the student. The response includes the following:

- The decision to provide a Letter of Release or not.
- If the request has been denied then:
  - detailed reasons as to why the request has been denied. These includes specific circumstances and reasons for the refusal.
  - details of any evidence that was NOT provided e.g. Acceptance Letter, or evidence to support compelling reasons request.
  - details of the appeals process and how to access it.
- If the request has been accepted then ECOC will document:
  - how the learner may obtain their Letter of Release
  - the date on which the enrolment will be cancelled,
- how cancellation of their enrolment may affect their visa by:
  - informing DIBP via PRISMS of the learner ceasing to be enrolled and why, and
  - cancelling their current and future (if any) CoE relating to ECOC, and
- provide information to the learner that they should contact DIBP to confirm any visa requirements or amendments.



### **Administration of Student Transfers**

Where a release letter has been granted, the International Student Support team will submit a course variation through PRISMS using the 'transferred to another provider variation'. A copy of course variation is placed on the student's file.

Where a **Release Letter** has been granted, it will be issued at no cost to the student. The letter will contain information relating to the student's need to contact DIBP to seek advice on whether a new student visa is required.

ECOC retains records of all requests from students for a **Letter of Release** and the assessment of, and decisions regarding, the request on the student's file in accordance with the **Student Records Management Policy and Procedure**.

### **International Students not Contactable/Default for Course Commencement**

ECOC will report to the TPS Director if a student defaults from the starting the course within 5 business days.

ECOC will also report to the Department of Immigration and Border Protection via PRISMS if the student has not started the course within 14 days.

## **C. QLD FUNDED STUDENTS**

Where a student withdraws from a funded course, ETE will submit a withdrawn claim for payment (Withdrawn / Discontinued Claims (AVETMISS outcome identifier 40)), where evidence has been retained to validate a student/s after engaging in some learning activity has then:

- notified ETE of their withdrawal before completing all the assessment criteria; or
- stopped attending or submitting assessments (i.e. discontinues) without notifying ETE (in this case, ETE follows its **Progression and Intervention Policy and Procedure** prior to being satisfied that the student will not return to complete the competency.
- Cancellation of apprenticeship will be processed with DESBT (Department of Employment Small Business and Training)



## D. WA FUNDED STUDENTS

Where a student withdraws from a funded course, ECOC will submit a withdrawn claim for payment (Withdrawn / Discontinued Claim), where evidence has been retained to validate a student/s after engaging in some learning activity has then:

- notified ECOC of their withdrawal before completing all the assessment criteria; or
- stopped attending or submitting assessments (i.e., discontinues) without notifying ECOC (in this case, ECOC follows its Progression and Intervention Policy and Procedure prior to being satisfied that the student will not return to complete the competency.
- Cancellation of apprenticeship will be processed with Department of Training and Workforce Development (DTWD).

## 5. Related Documents

- Appeals Lodgement Form
- Student Handbooks
- Confirmation of Cancellation/Withdrawal template
- Student Course Variation Form
- Leave of Absence Request Form (international)
- Letter of Release (international)
- Funding body: Cancellation Notification