Deferral, suspension and cancellation policy

MELBOURNE TRADES COLLEGE

1. Purpose

Melbourne Trades College has implemented a documented process for assessing, approving and recording a deferment of the commencement of study or suspension of study requested by an overseas student, including maintaining records of any decisions.

The purpose of this policy is to ensure that students are informed of the grounds on which their enrolment may be deferred, suspended or cancelled. The ESOS-National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018) is very specific about when Deferral or Suspension can be approved.

This policy is designed to reflect Standard 9 of the National Code 2018 (Registered providers may only enable students to defer or suspend their studies, including granting a leave of absence, during the course through formal agreement in certain limited circumstances).

The purpose of this policy is to outline the circumstances in which the student can defer, suspend or cancel their enrolment with Melbourne Trades College and where Melbourne Trades College can initiate the suspension or cancellation of the student's enrolment on grounds of compassionate or compelling circumstances or in the event of misconduct by students.

2. Scope

2.1. This policy applies to all international students and staff of Melbourne Trades College

3. Responsibility

3.1 CEO will be responsible for the implementation of this policy.

3.2 Decision to defer commencement of studies, suspend studies or cancel enrolment will be approved by the Administration Manager or authorised staff member of the Student Administration Department.

3.3 In confirming this decision, Student Administration Department may consult with other relevant departments in Melbourne Trades College. Administration Manager or the authorised person will be responsible for confirming all necessary actions required under this procedure including notification on PRISMS and other record keeping.

3.4 Melbourne Trades College will maintain records of all the decisions made by the college in terms of deferral, suspension and cancelation of students and will retain records for at least 2 years after the person ceases to be an accepted student.

4. Definitions

Deferral: means delay or postponement of enrolment in, or the continuation of, a program of study for a period initiated by the student.

Withdrawal occurs when discontinuation of a program of study in which the student is enrolled is initiated by the student.

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Suspension: To put studies on hold for a specified period. It means when a student, who has already started but has not completed his/her study or is given leave of absence so their training plan is suspended with the clear intention that the student will recommence at an agreed date in the future (i.e. temporary suspension).

Cancellation: Termination of enrolment. It means when a student is removed from the current students' register at Melbourne Trades College before he/she has formally completed the planned training and other current qualifications. The student will not be eligible for any subsequent courses for which they may also be registered.

Compassionate or compelling circumstances: Circumstances that are generally 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:

- 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 (where possible, a death certificate 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
- 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 this has affected 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.

Extenuating circumstances: Relating to welfare of student may include but are not limited to the following. The student:

a. Overseas student's health or wellbeing, or the wellbeing of others, is likely to be at risk.
b. is missing;
c. has medical concerns, severe depression or psychological issues which lead the provider to fear for the student's wellbeing;
d. has engaged or threatens to engage in behaviour that is reasonably believed to endanger the student or others; or
e. is at risk of committing a criminal offence

Any claim of extenuating circumstances is required to be supported by appropriate evidence.

Student Code of Conduct: Code of conduct are certain rules and regulations that students are required to follow. These includes, but are not limited to,

- serious misbehavior,
- Student failure to pay an amount required to pay in order to continue the course,
- Breach of any course progress or attendance requirements by the overseas student, which must occur in accordance with Standard 8 (Overseas student visa requirements).

1. Requirements / Process

Students wishing to defer the commencement of studies, suspend their studies or cancel their enrolment must apply to do so in writing to Melbourne Trades College. This can be done using the student deferral suspension form or the cancellation application form available from Melbourne Trades College reception or on the Melbourne Trades College website www.melbournetradescollege.vic.edu.au

The form can be lodged using any one of the following methods.

- In person (preferred method): On Campus
    - 73 Ashely Street Braybrook 3019
- By Email: info@melbtc.vic.edu.au
- By Mail: Address – 73 Ashley Street, Braybrook, Vic-3019.

Applications must be submitted within 10 working days prior to the requested deferment/suspension date to enable sufficient time for the assessment process. However, in case of emergency, it will depend on case by case basis.

Note: If the application is submitted in less than 10 working days prior to the requested deferment/suspension date, the processing and response may not be available at the requested time. Therefore, if the student chooses to depart, he/she is at risk of not obtaining approval from Melbourne Trades College.

Students will be informed in writing with reason and the request will be processed if the student is granted a deferral, suspension or cancellation.

If the request is denied, the student will be informed in writing and provided with details of the Complaints and Appeals procedures of the college. Refer to the students Complaints and Appeals policy available at Melbourne Trades College's website www. and/or on the student's handbook.

The response will be issued within 5 working days or as soon as possible after the application has been received by the college.

Melbourne Trades College will report to PRISMS and renewal of eCoE (if applicable) will be issued within 31 days or as soon as possible after the suspension or deferment date.

#PRISMS is only applicable to international students

It is the student's responsibility to collect revised eCoE from the college for any deferral/suspension made. Melbourne Trades College will advise the Department of Home Affairs (DHA) of the revised end date of the course via PRISMS.

The student can also use the eCoE to inform the Department of Home Affairs (DHA) of the revised end date of the course where their visa requires extension.

Melbourne Trades College will review the application and if appropriate, the current student history, and financial status before making a decision.

Requests for suspension will be denied for students who are subject to an intervention strategy, in the process of being cancelled for course progress, in arrears with the payments due (either as a result of the payment being due under the student agreement or as a result of payment being due under an agreed payment plan) or in breach of the Student Code of Conduct.

When students' studies are deferred or suspended, Melbourne Trades College will update students' details on PRISMS which will include student's contact details and the expected duration of the deferment or suspension and the date when deferment or suspension starts.

When a student's studies are terminated (whether by the student), in addition to the student's contact details, Melbourne Trades College will update details on PRISMS of the day the student's studies are terminated and the last day of the student's studies.

The records of the decision will be kept in Student's file.

2. Melbourne Trades College's initiated Deferral, Suspension and Cancellation

i. Melbourne Trades College's initiated Deferral

Melbourne Trades College may defer an enrolment where the course is not being offered at the proposed date, site, or any other reason that Melbourne Trades College deems necessary. In this unlikely event, the refund provisions for provider default will apply.

In exceptional circumstances, Melbourne Trades College may be unable to deliver a unit or units because of factors beyond its control. Where this situation exists (or one or more of the units that cannot be delivered is a prerequisite unit), students can have their study load adjusted and a deferral may be applied for. This basis for deferral is only available if the student can schedule units of competency so that they can complete their studies within the approved duration.

ii. Melbourne Trades College's initiated Suspension or cancelation

Where a student has been identified as having breached Melbourne Trades College's code of conducts (for e.g. misbehavior, failure to pay an amount required to pay in order to continue the course), the CEO shall be informed as soon as possible. All of the facts and evidence associated with the alleged misdemeanor or misbehavior must be presented to the CEO for due consideration.

If there has been a breach in course progress or attendance requirements by the overseas student, which must occur in accordance with Standard 8 (Overseas student visa requirements).

The CEO is responsible for deciding whether there has been a breach based on the evidence presented and for deciding the ensuing penalty (i.e. suspension or cancellation of enrolment). The CEO may take

into account the type of misconduct that has occurred and the level of misconduct that occurred when deciding penalties.

Students will be advised in writing of the decision. Students will be given 20 working days to access Melbourne Trades College's Complaints and Appeals procedures if they feel that the decision is unfair. Student's course variation will be notified in PRISMS. All relevant documentation will be retained securely and confidentially on the student's file.

iii. Melbourne Trades College's initiated Cancellation

Melbourne Trades College has the right to cancel student's enrolment where student's misconduct is severe (as defined in the policy above). Students will be informed in writing of the intention and the reasons on why their enrolment has been cancelled.

Where the CEO has decided the misconduct is severe enough for cancellation, the following will occur:

- The student will be informed in writing of the reason and decision of the Melbourne Trades College to cancel the student's enrolment.
- They will be informed of the fact that they have the right to appeal the decision through Melbourne Trades College's internal complaints and appeals process, in accordance with Standard 10 (Complaints and appeals) within 20 working days of the written notification.
- No action will be taken until the internal appeals process has been finalised unless there are extenuating circumstances relating to the student's welfare like overseas student's health or wellbeing, or the wellbeing of others, is likely to be at risk.
- Students will also be informed that their student visa may be affected if Melbourne Trades College notifies the Department of home Affairs ("DHA") of the cancellation, their student visa may be affected.

Once the appeals process is finalised and the decision to cancel is upheld, Melbourne Trades College will inform DHA through PRISMS of the intention to cancel the student's enrolment. The change will be reported to overseas student's enrolment under section 19 of the ESOS Act.

All copies of relevant documentation will be retained securely in the student's file.

Note: If Melbourne Trades College initiates a suspension or cancellation of the overseas student's enrolment, before imposing a suspension or cancellation, Melbourne Trades College will:

- inform the overseas student of that intention and the reasons for doing so, in writing
- advise the overseas student of their right to appeal through Melbourne Trades Colleges internal complaints and appeals process, in accordance with Standard 10 (Complaints and appeals), within 20 working days.

3. Deferral, Suspension or Cancellation of Enrolment Procedure (Students Initiated)

Melbourne Trades College has implemented and documented process for assessing, approving and recording deferment of the commencement of study or suspension of study requested by an overseas student, including maintaining a record of any decisions.

i. Students Initiated deferral

A student wishing to defer an enrolment can do so prior to the commencement of the course.

Students must complete an 'Application Form-Defer, suspend' and submit to the Student Administrations Department. An authorised person from the Administration Department will assess the applications.

A decision will be made within 5 working days. Students will be advised of the decision in writing. If approved, a student's course variation will be reported in PRISMS. Under exceptional circumstances within compassionate and compelling grounds, and at the discretion of Melbourne Trades College, you may be permitted to defer commencement of a course up to two (2) weeks after the published course start date. If you arrive later than two (2) weeks after the course start date, you will need to defer to the next term. This deferral will be formally granted by Melbourne Trades College. All relevant documentation will be kept on the student's file.

ii. Student initiated suspension

Students who wish to suspend their studies should first speak to the Administration Manager or any Melbourne Trades College's staff from the Administration Department to ensure that they understand the reasons where suspension may be granted. The application form is available on Melbourne Trades College's website www.melbournetradescollege.vic.edu.au and can also be made available from the reception.

The application form must be completed and submitted to the Administration Manager or Student Administration Department. Melbourne Trades College may decide to accept an application from a student for deferral of commencement or suspension of study on the following grounds:

a) On medical grounds (with supporting documents). Further documental evidence may be requested at the discretion of the college; or

b) In exceptional compassionate and compelling circumstances beyond the students control and which affects the student's course progress or wellbeing, such as serious illness, bereavement of close family members, major political upheaval or natural disaster, a traumatic experience or another exceptional event. Independent evidence of the exceptional circumstances is required for the application to be assessed.

Criteria of accessing an exceptional event would include:

- Nature of the event e.g. that it is exceptional event
- Beyond the student's control — it cannot be scheduled at another time.
- Likelihood to effect student's wellbeing e.g. there are compassionate circumstances - if they do not attend, it will upset them and impact on their ability to study effectively and successfully.

- Impact on course progress e.g. the impact of the length of time away on course progress and how the student intends to ensure completion within duration.

Note: the wedding of a family member or friend, a cultural celebration that is also celebrated by the community in Australia, or a holiday are not reasons for a deferment.

Applications will be assessed and approved by Administration Manager or an authorised staff member from the Administration Department.

Where a suspension of enrolment is granted, Melbourne Trades College will suspend the student's enrolment for an agreed period of time - to a maximum of 12 months. If the suspension is required for longer than 12 months, the student shall have to re-apply once the initial suspension period has expired.

Students will be informed in writing of the outcome of their application for suspension and advised that it may affect their student visa. The student's course variation will be recorded in PRISMS. All relevant documentation for the suspension will be kept on the student's file.

iii. Student initiated cancellation

Students wishing to cancel their enrolment should advise Melbourne Trades College as soon as possible and complete wherever possible an 'Enrolment cancellation form' and submit it to the Administration Department.

Students wishing to cancel their enrolment prior to completing 12 months of study in their principal course must provide a letter of offer from an alternative provider. On 1 July 2027, the transfer restriction period will revert to 6 months. Further information can be gained from the 'Transfer between Providers Policy and Procedure'.

Upon receipt of an application to cancel, the student's course variation will be noted in PRISMS as soon as possible.

All relevant documentation for the cancellation will be kept in the student's file.

4. Students Right to appeal (Complaints and Appeals)

Student has the right to appeal through Melbourne Trades College's complaints and appeals policy and process, in accordance with Standard 10 (Complaints and appeals), within 20 working days from the date of issue.

The suspension or cancellation of the student's enrolment will not take effect until the internal appeals process is completed, unless there are extenuating circumstances relating the student's welfare like overseas student's health or wellbeing, or the wellbeing of others, is likely to be at risk.

If the appeal is not upheld or the student withdraws from the appeal process, then Melbourne Trades College will report the student to the Department of Education and Department of Home Affairs (DHA) via PRISMS (applicable only to international students).

Refer to Melbourne Trades College's Complaints and appeals policy and procedure for detailed information on Melbourne Trades College's website www. or Melbourne Trades College's student handbook.

Note: When there is any deferral, suspension or cancellation action taken, students must seek advice from Immigration department on the potential impact on his or her student visa.

Melbourne Trades College will report the change to the overseas student's enrolment under section 19 of the ESOS Act.

Related Documents

- Application form-Defer, Suspend
- Enrolment cancellation form