

# Deferment, Suspension or Cancellation Policy

V1.7 October 2024

## 1. PURPOSE

This policy provides guidance to domestic and overseas students on the eligibility, requirements, procedure and duration of approved deferment, suspension or cancellation of enrolment. This policy complies with the requirements of the Higher Education Support Act 2003 (HESA), the Education Services for Overseas Students Act 2000 (ESOS Act 2000) and the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (the National Code 2018), specifically Standard 9.

## 2. SCOPE

The policy applies to all currently enrolled La Trobe College Australia students.

## 3. DEFINITIONS

Key Term or Acronym	Definition
Census Date	A date for the submission of the Request for FEE-HELP assistance form and the date on which financial liability is incurred. At La Trobe College Australia this is the end of week 4 of each trimester.
CoE	Confirmation of Enrolment. A document registered with Department of Education and Training and Immigration to <b>confirm an international student's acceptance into a course</b> for a specified duration.
Course	A program of instruction
CRICOS	<i>Commonwealth Register of Institutions and Courses for Overseas Students</i> . Database of every course and institution that recruits, enrolls and teaches overseas students.
DET	Department of Education and Training. The Australian Federal <b>Government's administrative division for policy and program</b> development on education, training and administration of the ESOS legislation.
Deferment	Deferment or suspension means to <i>temporarily put studies on hold</i> (adjourn, delay, postpone). Providers do this by notifying the Department of Education and Training through Provider Registration and International Student Management System (PRISMS) of the deferment or suspension of enrolment. A student may request a temporary deferment or suspension to their enrolment on the grounds of compassionate or compelling circumstances.
DHA	Department of Home Affairs. The Australian Federal Government's administrative division on all immigration and visa matters.
Domestic Student	Defined as an Australian or New Zealand citizen or holder of a permanent residency visa.

ELICOS	English Language Intensive Courses for Overseas Students
ESOS Act 2000	The Education Services for Overseas Students Act 2000. This Act regulates the delivery of education services to international students.
FEE-HELP	Financial assistance program under which the Commonwealth Government provides eligible fee-paying domestic students with loans to cover all or part of their higher education tuition fee costs.
HESA	Higher Education Support Act 2003. Act relating to the funding of higher education.
National Code 2018	The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018. Nationally consistent standards and procedures for providers who deliver international educational services.
Overseas Student	A student on an overseas student visa
PRISMS	Provider Registration and International Student Management System. A database developed jointly by Department of Education and Training and Immigration for the purposes of administering the ESOS Act.
Suspension	Suspension may be initiated by the student - <b>see "deferment"</b> above. However, a provider may also initiate suspension of a <b>student's enrolment due to misbehaviour</b> of the student. If a <b>provider initiates the suspension or cancellation of a student's enrolment</b> , it must notify the student of its intention and allow <b>the student 20 working days to access the provider's internal complaints and appeals process</b> , unless extenuating circumstances relating to the welfare of the student apply.
Trimester	A defined and formal period of study of 12 teaching weeks and one week of formal assessment for diploma students and 13 teaching weeks and one week of formal assessment for foundation studies students.

#### 4. POLICY

##### 4.1 Eligibility: Overseas Students

4.1.1 Under the requirements of the National Code 2018, overseas students are permitted to defer, suspend or cancel their studies in certain limited circumstances. **This may affect a student's visa as s19 of the ESOS Act 2000** requires that a provider notifies the Secretary of the Department of Education and Training of this event. This action also informs the Department of Immigration.

4.1.2 La Trobe College Australia recognises that circumstances may arise where a student may need to defer commencement or cancel or suspend their enrolment. A student may defer, cancel or suspend his/her studies

when compassionate or compelling circumstances arise. Circumstances could be but are not limited to:

- Severe illness or injury, where a medical certificate states the student is unable to attend classes;
- Exceptional compassionate circumstances beyond the control of the student, for example, bereavement of close family members such as parents or grandparents;
- Major political upheaval or natural disaster in the home country requiring emergency travel which prevents **the student's attendance and/or** payment of fees
- A traumatic experience such as involvement in, or witnessing of a serious accident or, being the victim of a serious crime;
- Compelling circumstances beyond the control of the student e.g. visa delays.
- La Trobe College Australia being unable to provide a subject that is core to the student's studies.

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

4.1.4 To be eligible to defer, suspend or cancel enrolment, students must have enrolled at La Trobe College Australia.

4.1.5 In addition to the circumstances and conditions listed above, students under the age of 18 years must provide a letter from their parent or legal guardian supporting the application for deferment, suspension or cancellation of studies.

## 4.2 Eligibility: Domestic Students

Domestic students are not affected by visa constraints hence no circumstances are stipulated for the deferment, suspension or cancellation of enrolment. To be eligible to defer, suspend or cancel their enrolment, students must have enrolled at La Trobe College Australia. Domestic students need to refer to the procedures in this document to follow the correct process for deferment, suspension or cancellation of their enrolment.

## 4.3 Duration

For domestic and overseas students, deferment or suspension of studies for a Foundation Studies and Diploma Programs course can be granted for only one full trimester. An extension of one further trimester may be granted at the discretion of the relevant Academic Coordinator (in consultation with the Academic Director)/Student Services where exceptional circumstances can be demonstrated. Each application will be considered on its merits. Students are required to reapply for a deferral or suspension at least one month prior to the commencement of the second trimester.

International students undertaking a course in an ELICOS program can only defer their studies in 5 weeks blocks for up to 20 weeks during the total duration of the student's program at the discretion of the relevant Coordinator (in consultation with the Director of Studies).

La Trobe College Australia will normally allow applicants to defer the commencement of studies twice. If subsequent requests for deferral of offer are made, La Trobe College Australia may refuse the request, with cancellation charges applied as at the date of the initial deferral unless there are exceptional circumstances demonstrated by the student.

In all instances, appropriate evidence must be provided.

#### 4.4 Requirements for Overseas Students

Overseas students must support their application with evidence of compassionate or compelling circumstances as per 4.1 of this policy. Overseas students are advised to seek advice from Immigration on how the potential change to their enrolment status may impact upon their visa. Students who are granted a deferment or suspension of their enrolment, or have their enrolment cancelled by La Trobe College Australia and leave Australia 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.

#### 4.5 Return from Deferment or Suspension

Domestic and overseas students will be required to re-enrol for the commencement of the following trimester or relevant term (for ELICOS students). Overseas students will be issued with a new confirmation of enrolment (CoE) once they have enrolled (if this has not already been done). Any student who has not re-enrolled in the agreed upon trimester or term or who has extended their leave without the formal permission of La Trobe College Australia will be deemed to have discontinued their studies and their enrolment will be cancelled by La Trobe College Australia after 14 days. For overseas students, this will affect their student visa as La Trobe College Australia will notify the Secretary of the Department of Education and Training as per s 19 of the ESOS Act 2000. This action will also alert Immigration. Depending on the length of absence, ELICOS students may be required to re-sit the placement test or submit a current official English result in order to be placed in a class.

#### 4.6 Fees

4.6.1 Both overseas and domestic full fee paying students undertaking a Foundation Studies or Diploma Program who are approved for a deferment of their studies within the first four weeks of the commencement of the trimester will have their fees transferred to the subsequent trimester. Overseas and domestic full fee paying FSDP students applying for deferment from the fifth week of the trimester will have all tuition fees applicable to that semester forfeited.

ELICOS students must apply for a deferral of their studies no later than the end of week one of a 5-week term in order for the fees for that 5-week term to be transferred to a later period. If students apply for a deferral after week 1 of any term, their fees for that term cannot be transferred to a later date; however, the balance of any fees remaining for later terms can be transferred to a subsequent term.

For all students who subsequently withdraw, the La Trobe College Australia Refund policy on the original Letter of Offer, accepted by the student to receive a visa, applies. The notification period is from the date LTM received advice in writing regarding the deferment.

4.6.2 Domestic students on FEE-HELP must apply for a deferment of studies by the census date to avoid incurring a FEE-HELP debt. Under subdivision 104-30 of the Higher Education Support Act 2003 (HESA), the FEE-HELP debt may be re-credited after the census date only in circumstances which:

- **Were beyond the student's control;**
- Did not make their full impact until on or after the census date; and

- Were such that they made it impracticable for the student to complete their unit(s) or study requirements.

#### 4.7 Cancellation or Suspension by La Trobe College Australia

La Trobe College Australia has the right to cancel or suspend a student's enrolment in the following circumstances:

- If a student submits fraudulent documents to gain admission.
- If a student does not maintain satisfactory course progress in accordance with the Course Progression Policy.
- If a student does not maintain satisfactory attendance in accordance with the Attendance Policy.
- If the student behaves in a way which could potentially bring the College into disrepute.
- If a student behaves in a way that is a threat to their own health and safety and/or a threat to the health and safety of another student or staff member.
- If a student misuses or willfully damages College facilities, equipment or property.
- If a student knowingly engages in material plagiarism, cheating or academic misconduct.
- If a student does not abide by the email and internet rules as stipulated by La Trobe College Australia.
- If a student engages in any form of harassment (racial, sexual or verbal) or bullying towards another student or staff member.
- If a student does not pay fees on time.

#### 4.8 Suspension of enrolment by student

If a student wishes to suspend or cancel their course they should contact Reception. The student is advised to fill out a withdrawal form and write a statement outlining reasons. These are to be submitted with supporting documents to student services staff at Reception.

The student's application is assessed by the relevant Academic Director or Academic Coordinator/Student Services. The student is informed of the decision in writing. If approved, La Trobe College Australia will inform overseas students that deferring, suspending or cancelling their enrolment may affect their student visa and they should contact Immigration for advice. La Trobe College Australia will also inform the overseas student that it will notify the Secretary of Education and Training via PRISMS as required under **section 19 of the ESOS Act where the student's enrolment is deferred, temporarily suspended or cancelled.**

If the student's request for suspension is not approved and the student disagrees, the student may take further action by accessing the Appeals Process. The response letter includes information on accessing the Student Grievance Policy, as per Standard 10 of the National Code at <https://www.latrobecollegeaustralia.edu.au/policies-and-procedures> and indicates that the student has 20 working days in which to do so.

**The suspension or cancellation of the student's enrolment cannot take effect until the internal appeals process is successfully completed, unless extenuating circumstances relating to the welfare of the student apply.** While the student is waiting for a response, the student is expected to attend all classes except in extenuating circumstances. Extenuating circumstances include, but are not limited to the student:

- going missing
- refusing to maintain adequate care arrangements, if under 18. \*\*
- **having serious medical issues that lead to fear for the student's well-being**
- engaging, or threatening to engage in behavior that endangers them and/or others
- being at risk of committing a criminal offence.

**\*\* When an under 18 student's enrolment is terminated, suspended or cancelled,** La Trobe College Australia must continue to check the suitability of arrangements for the student until:

- a. the student is accepted in writing by another registered provider who takes over the responsibility of the accommodation, support and welfare arrangements of the student,
- b. the student leaves Australia,
- c. other suitable arrangements are made satisfying the Migration Regulations; or
- d. La Trobe College Australia reports under Standard 5.1.d that it can no longer approve of the arrangements for the student.

#### 4.9 Right of Review

Students have the right of review of an unsuccessful application in accordance with the La Trobe College Australia Student Grievance Policy. A letter of appeal can be lodged at [appeals@latrobemelbourne.edu.au](mailto:appeals@latrobemelbourne.edu.au) for students at the Melbourne Campus and [appeals-sydney@latrobe.edu.au](mailto:appeals-sydney@latrobe.edu.au) for students at the Sydney Campus.

This appeal letter should be lodged within 5 working days of receiving the written notification of the outcome.

This agreement, and the availability of complaints and appeals processes, does not remove the right of the student to take action under Australia's consumer protection laws.

#### 5. Sponsored students and student under the age of 18

For sponsored students and students under the age of 18, any change of enrolment for a student who has commenced their course must be approved by the sponsor/guardian.

Policy Title	Deferment, Suspension and Cancellation Policy	
Policy Owners	Manager, Studies and Academic Services	
Key Stakeholders	Academic Staff Admissions Staff Students	
Approval Body	La Trobe Melbourne Management Committee	June 5 2012
	LTM Executive Committee	June 10 2015
	LTM Executive Committee	November 15 2017
	LTCA Executive Committee	October 31 2018
	LTCA Executive Committee	February 21 2019
	LTCA Senior Management Team	October 31, 2022
	LTCA Senior Management Team	October 14, 2024
Relevant Legislation	Education Services of Overseas Students Act 2000 (ESOS Act) The National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018)	
Related Policies	Student Grievance Policy Course Progression Policy Attendance Policy Refund Policy	
Related Guidelines		
File information	TBC	Version number V1.7
Date Effective	31 October 2022	Next Review Date October 2026
AMENDMENT HISTORY		
Date	Version	Summary of changes
13/8/18	1.4	Updates according to National Code 2018 and College name change to LTCA
12/02/19	1.5	Merged separate LTCA Melbourne and Sydney policies into one policy.
31/10/22	1.6	Updated the policy document in consultation with the Academic Team.
14/10/2024	1.7	Updated document to reflect accurate process and refined sentence structures