

Deferral and Withdrawal Policy and Procedure		
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### VERSION HISTORY

Version	Updated by	Approval Date	Details
1.1	EMG	4 Sep 2019	Document creation.

### PURPOSE AND SCOPE

The aim of this policy is:

- Outline when a student can withdraw from a course.
- Outline when a student can withdraw from a course without incurring a FEE-HELP or VET Student Loans debt or receive a refund.
- Outline when SITCM can withdraw a student from a course.
- Provide specific guidance to international students about withdrawal and deferral.

This policy applies to all students at the Sydney Institute of Traditional Chinese Medicine (SITCM).

## 1 OVERVIEW

The Sydney Institute of Traditional Chinese Medicine (SITCM) is committed to providing students with accurate information about withdrawal and deferral.

This policy has been informed by the *Higher Education Standards Framework (Threshold Standards) 2015*, particularly Section 1.3 Orientation and Progression, and the *National Code of Practice for Providers of Education and Training to Overseas Students 2018*, particularly Standards 7 and 9.

## 2 POLICY

### 2.1 WITHDRAWAL FROM A COURSE

- 1) Students may apply to withdraw from a course at any time after enrolment, or in the case of international students after Confirmation of Enrolment, and prior to the designated end course date.
  - a. Students must apply to withdraw from a course by completing a *Withdrawal Form* (which is available from the SITCM office, website and Moodle).
- 2) Students who withdraw after the Census Date will not receive a refund of course tuition fees unless there are exceptional circumstances. Further information can be found in the *Refund Policy*.
- 3) Students who withdraw from a course prior to completing a qualification will be given recognition for any units completed satisfactorily up to the date of withdrawal.

Further information can be found in the *Graduation and Awards Policy and Procedure*.

## 2.2 STUDENT INITIATED WITHDRAWAL – DOMESTIC

### 2.2.1 STUDENT INITIATED WITHDRAWAL BEFORE CENSUS DATE

- 1) Students may withdraw from a course at SITCM at any time before the Census Date for that course.
- 2) Census dates are published on the SITCM website.

### 2.2.2 DOMESTIC FEE PAYING STUDENTS

- 1) Domestic fee paying students who withdraw from a course on, or prior to, the Census Date will not be charged for the course, or, if they have already paid for the course will receive a full refund of any tuition fees paid towards that course, less any money owed to SITCM.
- 2) Please consult the *Refund Policy* for further information.

### 2.2.3 STUDENT INITIATED WITHDRAWAL AFTER THE CENSUS DATE

- 1) Students may withdraw from a course of study at SITCM after the Census Date.
- 2) Students who withdraw after the Census Date will retain the full tuition fee liability.
- 3) Students who withdraw after the Census Date are required to have an exit interview with the Dean or other nominated SITCM representative.
- 4) A student who withdraws after the Census Date may apply for a refund if special circumstances apply. Please consult the *Refund Policy* for further information.

## 2.3 STUDENT INITIATED WITHDRAWAL – INTERNATIONAL

- 1) International students who wish to withdraw from a course of study must do so in accordance with their Visa Conditions, *Refund Policy*, and relevant legislation.
- 2) Once SITCM has approved a student's request to withdraw SITCM will cancel the student's Confirmation of Enrolment and notify the Department of Home Affairs that the student has withdrawn.
- 3) Students who withdraw have twenty eight (28) days to:
  - a. Leave Australia;
  - b. Enrol in an alternative program at another institution; or
  - c. Apply for a different visa.

### 2.3.1 TRANSFERRING TO ANOTHER INSTITUTION

Under the *National Code of Practice for Providers of Educations and Training to Overseas Students 2017* (National Code) Standard 7, international students may transfer from SITCM to another registered provider.

- 1) If the student has completed at least six (6) months of the course there are no restrictions.
  - a. A Release Letter will be granted with no cost to the student.
- 2) If the student has NOT completed at least six (6) months of the course, then they can make an application to SITCM for a Release Letter.
  - a. The student must provide documentation from the new institution confirming that a valid enrolment offer has been made.
  - b. A letter must be provided specifying the reason for the transfer.
- 3) Requests for a release will be assessed by the Registrar and will be granted if:
  - a. The course that the student wishes to transfer to:

- i. Better meets the capabilities of the student; or
  - ii. Better meets the long term goals of the student, whether these relate to future work, education, or personal aspirations.
- b. If the student wishes to change course in order to get access to greater support (this may be through the services offered by another provider, commercial or non-for-profit services or through access to family, friends or a cultural support network).
- 4) A release CANNOT be issued if:
  - a. The student does not have an unconditional/full offer from another institution (a Conditional Offer is accepted where the ONLY condition is the requirement of a release letter from SITCM).
  - b. The transfer would result in a breach of the student's mandatory or discretionary visa condition.
  - c. The transfer is considered detrimental to the student.
  - d. The student is trying to avoid being reported to DIBP for failure to meet SITCM's attendance or academic progress requirements.
- 5) Factors that may be to the student's detriment include:
  - a. The student has not, or only recently, started studying the course and the full range of SITCM's support services are yet to be provided or offered to the student.
  - b. The student is not genuinely engaging with an intervention strategy.
  - c. The transfer may jeopardise the student's progression through a package of courses.
  - d. SITCM forms the view that the student is trying to avoid being reported to the Department of Home Affairs for failure to meet SITCM's academic progress requirements.
  - e. The student is changing their principal course of study to a lower AQF level or a non-AQF level.
- 6) A release will be provided for a student where:
  - a. The student has evidence that their reasonable expectations about their current course are not being met.
  - b. The student has evidence that they were misled by SITCM or an appointed education agent regarding their course and the course is therefore unsuitable to their needs and/or study objectives.
  - c. An appeal (internal or external) on a matter that may reasonably result in a decision or recommendation to release the student.
  - d. Compassionate or compelling reasons for the transfer exist. These would normally be unexpected and out of the control of the student and which have an impact upon the student's course progress or wellbeing.

## **2.4 SITCM INITIATED WITHDRAWAL FROM COURSES**

### **2.4.1 INVOLUNTARY WITHDRAWAL FROM A COURSE**

- 1) Students who do not attend classes or meet other commitments to their study (including but not limited to Orientation and Learning Management System training) during the first two weeks of a semester may be involuntarily withdrawn from their course by SITCM.

### **2.4.2 EXPULSION**

- 1) Students who are expelled or terminated for academic or non-academic reasons will be withdrawn from their course at SITCM.

- 2) Academic reasons for termination include, but are not limited to, inability to maintain minimum academic standards, poor attendance, failure to complete assessments, and breaching the *Academic Misconduct Policy and Procedure*.
- 3) Non-academic reasons for termination can include breaching the *SITCM Code of Conduct* and/or the *Non-Academic Misconduct Policy and Procedure*.

#### 2.4.3 COMPASSIONATE CIRCUMSTANCES

- 1) Non-academic withdrawal from SITCM can include a student who is unable to complete the course due to medical or other reasons.

#### 2.4.4 DOMESTIC STUDENTS

- 1) Before cancelling a student's enrolment, SITCM must first:
  - a. Inform the student of that intention and the reasons for doing so, in writing; and
  - b. Advise the student of their right to appeal through SITCM's internal appeal process within 28 calendar days.
    - i. If the student appeals through SITCM's internal appeal process, SITCM may not cancel the student's enrolment before completing the appeal process.
- 2) If SITCM decides to cancel a student's enrolment, SITCM must then:
  - a. Inform the overseas student of the need to seek advice from Immigration on the potential impact on his or her student visa; and
  - b. Report the change to the overseas student's enrolment under section 9 of the *ESOS Act 2000*.
- 3) A student who has their enrolled cancelled after the Census Date may apply for a refund if special circumstances apply. Please consult the *Refund Policy* for further information.

#### 2.4.5 INTERNATIONAL STUDENTS

- 4) The *National Code of Practice for Providers of Educations and Training to Overseas Students 2017* (National Code) Standard 9 specifies the process by which SITCM may cancel an overseas student's enrolment.
- 5) SITCM may cancel an overseas student's enrolment due to:
  - a. Misbehaviour by the student;
  - b. The student's failure to pay an amount he or she was required to pay the registered provider to undertake or continue the course as stated in the written agreement; or
  - c. A breach of course progress or attendance requirements by the overseas student.
- 6) Before cancelling an overseas student's enrolment, SITCM must first:
  - a. Inform the overseas student of that intention and the reasons for doing so, in writing; and
  - b. Advise the overseas student of their right to appeal through SITCM's internal appeal process within 20 working days.
    - i. If the overseas student appeals through SITCM's internal appeal process, SITCM may not cancel the student's enrolment before completing the appeal process unless the overseas student's health or wellbeing, or the wellbeing of others, is likely to be at risk.
- 7) If SITCM decides to cancel an overseas student's enrolment, SITCM must then:
  - a. Inform the overseas student of the need to seek advice from Immigration on the potential impact on his or her student visa; and

- b. Report the change to the overseas student's enrolment under section 9 of the *ESOS Act 2000*.

## 2.5 DEFERRAL

At SITCM a deferral includes:

- 1) When an applicant is admitted to the course under the *Student Admissions Policy and Procedure* and chooses to delay starting the course at a later date.
- 2) When a student takes a break or leave of absence from the course:
  - a. The deferral break must begin in between a semester's end and a new semester's beginning.

### 2.5.1 DOMESTIC STUDENTS

- 1) Deferral of studies may be allowed for a period of up to two years from the date of approval.
- 2) Requests for deferral must be submitted to the SITCM office on the *Deferral Form* stating the reasons for the deferral from the course.
- 3) The Dean will assess the request and either approve the deferral or reject the request.
- 4) SITCM will notify the student of the outcome of the request in writing via email.
- 5) The effective date of deferral will be the date on which the written notification was received by SITCM.

### 2.5.2 INTERNATIONAL STUDENTS

International students who wish to defer from a course of study must do so in accordance with their Visa Conditions, SITCM's *Refund Policy*, and relevant legislation.

- 1) Students on student visas are not permitted to defer the commencement date of their course unless on grounds of medical reasons (illness), or other exceptional circumstances beyond the students control such as bereavement. Weddings, pregnancy, and other festive occasions are not acceptable circumstances for deferral.
- 2) A student's enrolment may be deferred or temporarily suspended on the grounds of compassionate or compelling circumstances (e.g. illness where a medical certificate states that a student is unable to attend class).
- 3) Students must specify in writing the duration and reason for the deferral and visa cancellation may be initiated by Department of Home Affairs if the deferral is for more than one semester. SITCM will enter a Student Course Variation to Department of Home Affairs via the PRISMS System.

## 3 PROCEDURES

### 3.1 STUDENT INITIATED WITHDRAWAL PROCEDURE

- 1) Students who wish to withdraw from a course are required to notify the SITCM Office of their intention to withdraw.
- 2) The SITCM Office will provide the student with a *Withdrawal Form*.
- 3) The student must apply to withdraw in writing using the *Withdrawal Form*.
- 4) If the student has withdrawn after the Census date, they must have an exit interview with the Dean or other nominated SITCM representative.
  - a. Where a student is unable to attend a person to person interview a phone interview may be arranged.
- 5) The SITCM Office will notify the student of their withdrawal status in writing.
  - a. If appropriate, the student will be advised to complete a *Refund Form* and submit to SITCM.

- 6) International Students: SITCM will notify the Department of Home Affairs via the Provider Registration and International Students Management System (PRISMS) that the student is no longer enrolled at SITCM.

### 3.2 STUDENT INITIATED DEFERRAL PROCEDURE

- 1) Students who wish to defer are required to notify the SITCM Office.
- 2) The Office will provide the student with a *Deferral Form*. The student must apply to defer in writing using the *Deferral Form* stating the reasons they wish to defer.
- 3) The Dean will assess the deferral application and approve or reject the request within five (5) working days.
- 4) The SITCM Office will notify the student of their deferral status in writing.
- 5) International Students: SITCM will notify the Department of Home Affairs via PRISMS that the student has been granted a deferral.

### 3.3 INTERNATIONAL STUDENT TRANSFER PROCEDURE

- 1) The applicant completes *Release Request Form* (which is available from the SITCM office, website and Moodle), detailing reasons for the transfer.
- 2) Attached to the application must be:
  - a. Adequate support for reasons of transfer; and
  - b. A letter from another registered training provider confirming that a valid enrolment offer has been made.
    - i. Applications failing to present a valid letter of offer of enrolment from another provider will be refused.
- 3) When the application is lodged, a receipt will be issued to the applicant acknowledging that the request has been received.
- 4) SITCM reserves the right to check and verify the letter of offer of enrolment and the supporting documents.
- 5) The application is reviewed by the Registrar and the student will be notified of the outcome of their application in writing within ten (10) working days.
  - a. If approved, a letter of release will be issued at no cost to the student. The letter will inform the student of the need to contact the Department of Home Affairs to seek advice on whether a new student visa is required.
  - b. If a letter of release is not granted, the student will be provided with written reasons for refusing the request, advised that they may freely transfer after completion of six calendar months of their principal course at SITCM and will be informed of their right to appeal the decision in accordance with SITCM's *Non-Academic Grievance Policy and Procedure*.
- 6) SITCM will notify the Department of Home Affairs via PRISMS that the student is no longer enrolled at SITCM and has transferred to another institution.

### 3.4 SITCM INITIATED WITHDRAWAL PROCEDURE FOR DOMESTIC STUDENTS

- 1) SITCM decides that a domestic student's enrolment will be cancelled.
- 2) SITCM informs the domestic student of that intention and the reasons for doing so, in writing; and advises the domestic student of their right to appeal through SITCM's internal appeal process within 28 calendar days.
  - a. If the domestic student does not lodge an appeal within 28 calendar days, SITCM may cancel the domestic student's enrolment.
  - b. If the domestic student lodges an appeal within 28 calendar days, SITCM must then complete the appeal process.
    - i. Upon completing an appeal process, SITCM must decide whether or not to proceed with cancelling the domestic student's enrolment.

- ii. If the domestic student is dissatisfied with the outcome of the appeal process, they may utilise SITCM's grievance handling procedures.
- iii. Once all avenues of appeal have been exhausted, SITCM may cancel the domestic student's enrolment.

### **3.5 SITCM INITIATED WITHDRAWAL PROCEDURE FOR INTERNATIONAL STUDENTS**

- 3) SITCM decides that an international student's enrolment will be cancelled.
- 4) SITCM informs the international student of that intention and the reasons for doing so, in writing; and advises the international student of their right to appeal through SITCM's internal appeal process within twenty (20) working days.
  - a. If the international student does not lodge an appeal within twenty (20) working days, SITCM may cancel the overseas student's enrolment.
  - b. If the international student lodges an appeal within twenty (20) working days, SITCM must then complete the appeal process (unless doing so is likely to put the overseas student's health or wellbeing, or the wellbeing of others, at risk).
    - i. Upon completing an appeal process, SITCM must decide whether or not to proceed with cancelling the overseas student's enrolment.
    - ii. If an international student is dissatisfied with the outcome of the appeal process, they may utilise SITCM's grievance handling procedures.
    - iii. Once all avenues of appeal have been exhausted, SITCM may cancel the overseas student's enrolment.
- 5) When cancelling an overseas student's enrolment, SITCM must:
  - a. Inform the overseas student of the need to seek advice from Immigration on the potential impact on his or her student visa; and
  - b. Report the change to the overseas student's enrolment under section 9 of the *ESOS Act 2000*.

## **4 APPEALS**

A student may appeal against a decision made under this policy.

- 1) The grounds for appeal are that the decision is inconsistent with this policy.
- 2) Appeals must be made in writing and lodged with the Dean within ten (10) working days of the student receiving written notification of the decision.
- 3) The Dean will respond in writing to the appeal within twenty (20) working days and may confirm or vary the decision.
- 4) All decisions of the Dean in relation to appeals will be reviewed by the Teaching and Learning Committee.
- 5) If a student remains dissatisfied with the outcome of their appeal, they may utilise SITCM's grievance handling procedures. Please consult the *Non-Academic Grievance Policy and Procedure*.

## **5 RELATED POLICY AND OTHER DOCUMENTATION**

- 1) Higher Education Standards Framework (Threshold Standards) 2015
- 2) National Code of Practice for Providers of Educations and Training to Overseas Students 2018
- 3) F1.23 Withdrawal Form
- 4) E2.15 Refund Policy

- 5) Graduation and Awards Policy and Procedure
- 6) E2.14 Fees Policy
- 7) A1.15 Academic Misconduct Policy and Procedure
- 8) E2.08 Non-Academic Misconduct Policy and Procedure
- 9) ESOS Act 2000
- 10) F1.22 Deferral Form
- 11) E2.07 Non-Academic Grievance Policy and Procedure
- 12) F1.38 Refund Form
- 13) F1.39 Release Request Form