



**AUSTRALIAN  
TRADE  
SKILLS**

## **DEFERMENT, SUSPENSION AND CANCELLATION POLICY**

**Standards for RTOs 2015 and ESOS Act**

## BACKGROUND

### ASQA Standards for RTOs 2015

This document has been prepared for Australian Trade Skills, Registered as a Training Organisation operating under the jurisdiction of the Australian Skills Quality Authority (ASQA); referred to in this document as the Regulatory Agency.

**Throughout the Policy & Procedures Manual and associated forms, documents and templates, the term College refers to the Registered Training Organisation, Rocchi Training Academy Pty Ltd and any trading name associated with this legal entity.**

## CONTENTS

DEFERMENT, SUSPENSION AND CANCELLATION POLICY .....	1
BACKGROUND .....	2
STUDENT INITIATED REQUESTS FOR DEFERMENT OF COMMENCEMENT OF STUDY OR POST-COMMENCEMENT SUSPENSION OF STUDY.....	4
ACADEMIC COURSE PROGRESS.....	5
NON ATTENDANCE TO CLASSES.....	5
NON PAYMENT OF TUITION FEES .....	5
ACADEMIC MISCONDUCT .....	5
EXCLUSION FROM EXAMINATIONS.....	5
OTHER ASSESSMENT TASKS .....	6
COLLEGE INITIATED DEFERMENTS, SUSPENSIONS, CANCELLATIONS AND EXCLUSIONS FROM CLASS.....	6
CANCELLATION.....	6
PROCEDURAL FAIRNESS.....	8
PENALTIES .....	8
NOTIFICATION AND APPEAL .....	8
GENERAL MISCONDUCT.....	8
GENERAL MISCONDUCT IS WHERE A STUDENT:.....	8
AUSTRALIAN TRADE SKILLS WILL REPORT ALL CRIMINAL ACTS COMMITTED BY ITS STUDENTS TO THE RELEVANT AUTHORITIES.....	10
IF THE STUDENT ADMITS TO THE ALLEGED MISCONDUCT, THE GENERAL MANAGER MAY IMPOSE ONE OR BOTH OF THE FOLLOWING: .....	11
DEFERMENT REQUEST RESPONSES.....	11
SUSPENSION OR CANCELLATION PROCEDURE .....	12
SUSPENSION OR CANCELLATION RESPONSES .....	12
EXTENUATING CIRCUMSTANCES' RELATING TO THE WELFARE OF THE STUDENT MAY INCLUDE, BUT ARE NOT LIMITED TO THE FOLLOWING. ....	13
COMPLAINTS AND APPEALS.....	13
DEFERRAL PRIOR TO COMMENCEMENT.....	14
CANCELLATION FOR UNDER 18 STUDENTS.....	14

## **POLICY DEFINITIONS**

### **STUDENT INITIATED REQUESTS FOR DEFERMENT OF COMMENCEMENT OF STUDY OR POST-COMMENCEMENT SUSPENSION OF STUDY**

Such requests will only be granted for compassionate and compelling circumstances (defined as those beyond the control of the student and which have an impact on course progress or wellbeing).

These may include but are not limited to:

- serious illness/injury, where a medical certificate states the student is unable to attend classes
- bereavement due to death of close family member
- political upheaval or natural disaster in the student's home country, requiring emergency travel
- traumatic experience such as witnessing or being victim of a serious accident or crime
- inability to commence course due to non-issue of visa
- the College's inability to provide the course at the time of the initial commencement date
- the inability of the course to package with a further study option within an acceptable time frame
- Inability to begin studying on the course commencement date due to delay in receiving a student visa.
- Due to cheating in course work and exams
- General Conduct in classrooms
- Intervention procedure of Academic Course Progress not being followed
- Absence from classes
- Non-Payment of College fees

Students have the right to appeal a decision by the Australian Trade Skills to defer, suspend or cancel their studies and Australian Trade Skills will not notify DET of a change to the enrolment status until the internal complains and appeals process is completed. Student must use Australian Trade Skills appeal process for all appeals.

## ACADEMIC COURSE PROGRESS

Student who DO NOT follow the intervention procedure agreed, upon where the student has been identified under the course progress policy, will be suspended or cancelled under this policy as soon as practically identified. This does not exclude students from the internal complaints and appeals process.

## NON ATTENDANCE TO CLASSES

Where it has been identified that the student is using the course progress policy NOT TO ATTEND classes then Australian Trade Skills may cancel a student's enrolment using this policy. Australian Trade Skills may cancel student's enrolment to those students who are consistently absent from classes.

## NON PAYMENT OF TUITION FEES

International students on a fee for service are obliged to pay tuition and any other related fees when they become due. Students are provided with summary of fees payable and an agreed payment on each program they enrol into. Payment plans are a convenience for students to break up their fees into smaller manageable amounts paid when due. Australian Trade Skills may invoke a deferment or cancellation or suspend a student on non-payment of fees when due.

## 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.

## EXCLUSION FROM EXAMINATIONS

A STUDENT MAY BE EXCLUDED FROM A FINAL EXAMINATION IN A UNIT FOR ANY OF THE FOLLOWING REASONS:

1. Students must not help or receive assistance from other students
2. Students must not request the loan of or lend materials or devices to other students
3. Students must not bring any materials into the examination room other than those specified for that examination
4. Students must not use computer software or other devices during an examination other than those specified.
  - o 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

1. 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
2. Students must not use another person's concepts, results or conclusions and pass them off as their own
3. 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.
4. Students must not ask another person to produce an assessable item for them.
- 5.

### COLLEGE INITIATED DEFERMENTS, SUSPENSIONS, CANCELLATIONS AND EXCLUSIONS FROM CLASS

#### Suspension

- The College may initiate a suspension of studies on the grounds of misbehaviour of a student, in accordance with the College's Student Code of Conduct and Disciplinary Procedures.
- Students who have been suspended for more than 28 days will be required by DEPARTMENT OF HOME AFFAIRS to return to their home country, unless extenuating circumstances prevent them from so doing.
- Students under 18 years of age may have special conditions attached to their period of suspension depending on their welfare and accommodation arrangements.
- Attendance will not be recorded during the period of suspension.
- Course suspension will be recorded on PRISMS.

### CANCELLATION

The College may initiate the cancellation of a student's course

- On the grounds of misbehavior, in accordance with the College's Student Code of Conduct and Disciplinary Procedures.
- due to the student no longer holding a Student Visa
- due to the student's failure to pay course fees
- **If the student has supplied fraudulent documents to secure a student visa.**
- due to a student under 18 years of age failing to maintain approved welfare and accommodation arrangements
- Failure to comply with any applicable standards of conduct, statutes, regulations, policies and

procedures of the college which provide for enrolment deferral, suspension or cancellation as an outcome of such failure to comply.

- Course cancellation will be recorded on PRISMS.

### PROCEDURAL FAIRNESS

1. Students must be treated fairly, with dignity and with due regard to their privacy
2. 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.
3. Past misconduct is not evidence that a student has behaved in the same manner again.
4. 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

1. Penalties imposed will take into account the nature and the extent of the misconduct
2. Penalties imposed will take into account the students' stage in the program
3. Penalties imposed will take into account the conventions of the field of study
4. The following penalties may be imposed: a warning, a reduction in grades, receiving zero for an assessment event, failing the unit, exclusion from AUSTRALIAN TRADE SKILLS .

A student's second offence is penalised more severely than their first offence and a third offence will result in exclusion from AUSTRALIAN TRADE SKILLS

### NOTIFICATION AND APPEAL

1. Students must be notified in writing of penalties as a consequence of academic misconduct and sent via email to last supplied email address.
2. All appeals will follow Australian Trade Skills appeal policy

### 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:

1. acts dishonestly; harasses other students or staff;
2. interferes with students or staff; prevents or disrupts learning;
3. disobeys/fails to comply with contractual or legal requirements;
4. misuses, damages or steals Australian Trade Skills property or the property of others;



5. alters/defaces Australian Trade Skills documents or records;
6. prejudices the good name of Australian Trade Skills , or otherwise acts in an improper manner.

**AUSTRALIAN TRADE SKILLS 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 explanatory purposes and are not intended to be exhaustive. Student misconduct occurs when a student

1. contravenes any rules or acts;
2. prejudices the good name or reputation of Australian Trade Skills ;
3. prejudices the good order and governance of Australian Trade Skills or interferes with the freedom of other people to pursue their studies, carry out their functions or participate in the life of Australian Trade Skills ;
4. fails to comply with conditions agreed in the contract;
5. willfully disobeys or disregards any lawful order or direction;
6. refuses to identify him or herself when lawfully asked to do so by an officer of Australian Trade Skills ;
7. fails to comply with any penalty imposed for breach of discipline;
8. misbehaves in a class, meeting or other activity under the control or supervision of Australian Trade Skills , or on Australian Trade Skills premises or other premises to which the student has access as a student of Australian Trade Skills ;
9. obstructs any member of staff in the performance of their duties;
10. acts dishonestly in relation to admission to Australian Trade Skills ;
11. knowingly makes any false or misleading representation about things that concern the student as a student of Australian Trade Skills or breaches any of Australian Trade Skills 's rules;
12. alters any documents or records;
13. harasses or intimidates a not her student, a member of staff, a visit or to Australian Trade Skills , or any other person while the student is engaged in study or other activity as an Australian Trade Skills student, because of race, ethnic or national origin, sex, marital status, sexual preference, disability, age, political conviction, religious belief or for any other reason;
14. breaches any confidence of Australian Trade Skills ;
15. 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 Australian Trade Skills premises while acting as an Australian Trade Skills student, in a manner which is illegal or which is or will be detrimental to the rights or property of others;

16. steals, destroys or damages a facility or property of Australian Trade Skills or for which Australian Trade Skills is responsible; or
17. is guilty of any improper conduct.

**IF THE STUDENT ADMITS TO THE ALLEGED MISCONDUCT, THE GENERAL MANAGER MAY IMPOSE ONE OR BOTH OF THE FOLLOWING:**

1. a charge for the cost of damage to facilities and equipment
2. Temporary exclusion from Australian Trade Skills or
3. Refer the matter to the appropriate authorities

**DEFERMENT REQUEST RESPONSES**

Following the AUSTRALIAN TRADE SKILLS's management meeting where the student's request is considered the Overseas Student Contact Officer shall:

1. Ensure that the student is informed of the resulting decision of the AUSTRALIAN TRADE SKILLS Management meeting in a timely manner.
2. Ensure that all records of the request and supporting evidence are copied and placed on the student's file.
3. Maintain the enrolment of the student should the student seek an appeal through the internal or independent adjudicator appeals process.
4. Ensure that the student is advised to contact the office of Home Affairs so that they are informed as to the impact of their deferment on their existing student visa.
5. Ensure that the student is advised that their course fees may also be affected by a deferment.
6. Report the student's change of enrolment as soon as practicable after a decision on deferment has been finalized and recorded by AUSTRALIAN TRADE SKILLS management.
7. Respond to advice from DEPARTMENT OF HOME AFFAIRS concerning the issuance of a new ECOE through PRISMS.

## **SUSPENSION OR CANCELLATION PROCEDURE**

Where a student's conduct has been found to violate AUSTRALIAN TRADE SKILLS 's rules of enrolment and where warning has been provided the Overseas Student Contact Officer shall:

1. Inform the student that their misconduct has resulted in a report being made to AUSTRALIAN TRADE SKILLS management.
2. Ensure that the student is aware that they may access AUSTRALIAN TRADE SKILLS 's internal appeals process and independent adjudicator.
3. Inform the student should a decision to suspend or cancel their enrolment is made by AUSTRALIAN TRADE SKILLS management, that they have 20 working days to appeal following the decision. (AUSTRALIAN TRADE SKILLS management has 10 days to commence the process after the appeal is received)
4. Provide a written report to the next AUSTRALIAN TRADE SKILLS management meeting detailing the misconduct offense and the manner in which their conduct has been dealt with thus far (the report should detail dates times and persons involved).
5. The suspension or cancellation of the overseas student's enrolment under Standard 9.3 cannot take effect until the internal appeals process is completed, unless the overseas student's health or wellbeing, or the wellbeing of others, is likely to be at risk.

## **SUSPENSION OR CANCELLATION RESPONSES**

In receiving a report of misconduct AUSTRALIAN TRADE SKILLS management shall:

1. Validate the actions of all staff involved seeking further advice, verbal or written.
2. Where necessary, seek further advice from the student or students involved maintaining an unbiased approach to the student or students involved.
3. Decide whether an enrolment suspension or enrolment cancellation is warranted.
4. Ensure that in upholding the decision to suspend or cancel the student's enrolment, the student is informed in writing, stating the reason for AUSTRALIAN TRADE SKILLS Managements' decision and re affirming the student right to the internal appeals process and independent adjudicator within 20 working days.
5. Maintain the student's enrolment if the student chooses to access AUSTRALIAN TRADE SKILLS 's internal appeals process except in the case of extenuating circumstances (definition follows).
6. Only report the student's change in enrolment to the Department of Home Affairs via PRISMS if the student does not appeal the decision or if the student requests an independent adjudicator,

Report the student's change in enrolment to DIBP via PRISMS before the outcome of any internal/external appeals process if extenuating circumstances exist.

**EXTENUATING CIRCUMSTANCES' RELATING TO THE WELFARE OF THE STUDENT MAY INCLUDE, BUT ARE NOT LIMITED TO THE FOLLOWING.**

The student:

1. refuses to maintain approved care arrangements (only for students under 18 years of age);
2. is missing;
3. has medical concerns, severe depression or psychological issues which lead the provider to fear for the student's wellbeing;
4. has engaged or threatens to engage in behaviour that is reasonably believed to endanger the student or others; or
5. is at risk of committing a criminal offence.

Australian Trade Skills will inform the student that any Cancellation or deferment of the course may affect their student visa.

**COMPLAINTS AND APPEALS**

- Students who are the subject of College-initiated Suspensions and Cancellations will be advised that the change to their enrolment details may affect their visa status. They will be directed to the Department of Home Affairs web site or Help Line or the local Department of Home Affairs office for advice.
- Students who are the subject of College-initiated Suspensions or Cancellations will have access to the College's Complaints and Appeals process.
- The student will have 20 days in which to initiate the Complaints and Appeals process. Notification on PRISMS may not occur until the result of the internal appeals process is known, unless extenuating circumstances relating to the welfare of the student apply, such as:
  - the student is at risk of committing a criminal offence or is the subject of investigation relating to criminal matters
  - the student's actual or threatened behaviour poses a threat to other students
  - the student has medical or psychological problems that may affect their well-being
  - the student cannot be located
  - the student (if under 18) fails to maintain approved welfare and accommodation arrangements

### **DEFERRAL PRIOR TO COMMENCEMENT**

Students may request a deferral prior to course commencement. Request must be in writing and addressed to the Admissions office. When the deferral request is processed and approved the student will receive a revised Letter of Offer and eCOE.

### **CANCELLATION FOR UNDER 18 STUDENTS**

Australian Trade Skills will NOT cancel the enrolment of an under 18 student until proper arrangements have been made for the student's guardians to take over the care and study responsibilities of the student.