

DEFERRAL & SUSPENSION POLICY (JAN 2021)

1. PURPOSE

To provide a documented process for assessing, approving, and recording a deferment of the commencement of study or the suspension of study for the overseas student, including keeping documentary evidence on the student's file of the assessment of the application.

2. SCOPE

This policy applies to EMPYREAN EDUCATION INSTITUTE and all overseas students and enrolling overseas students.

EMPYREAN EDUCATION INSTITUTE may only enable students to defer or temporarily suspend their studies, including granting a leave of absence, during the course through a formal agreement in certain limited circumstances, as defined below.

3. DEFINITIONS

Deferral: means to delay or pause the commencement or study period of a course.

Suspension: means to temporarily delay or pause the enrolment once the course has commenced this can be student-initiated or college initiated.

Compassionate or Compelling circumstances: is defined as circumstances 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:

- a) Serious illness or injury, where a medical certificate states that the student was unable to attend classes,
- b) Bereavement of close family members such as parents or grandparents (Where possible a death certificate should be provided),
- c) Major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the student's studies,
- d) 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 these experiences have impacted the student (cases should be supported by police or psychologist's reports)

Student Misconduct: also, misbehavior, is defined as students who display unacceptable behavior following the Student Handbook and Code of Conduct. This can lead to a suspension or in more serious circumstances cancellation of studies.

To ensure all students receive an equal opportunity to gain the maximum benefit from their training, any person(s) displaying the following dysfunctional or disruptive behavior may be asked to leave the session and/or the course. Examples of unacceptable behavior include but are not limited to the following:

- Continuous interruptions of the trainer.
- Academic dishonesty
- Being disrespectful to a trainer or 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.
- Other breaches of the student code of conduct.

4. POLICY STATEMENT

4.1. ACCEPTABLE REASONS FOR SUSPENSION

4.1.1. Following the National Code 2018, EMPYREAN EDUCATION INSTITUTE can temporarily suspend a student's enrolment on the grounds of:

4.1.1.1. Compassionate or compelling circumstances

4.1.2. Also, EMPYREAN EDUCATION INSTITUTE can suspend or cancel a student's enrolment including, but not limited to, the following factors:

- Student misconduct
- Breach of Visa conditions
- Not holding a valid Visa (refusal or cancellation)
- Failure to comply with the Offer of Terms as outlined in the Letter of Offer and Acceptance (Written Agreement) for Course Progress or attendance, and any formal warning issued by EMPYREAN EDUCATION INSTITUTE against these processes
- The non-payment of fees following the Offer of Terms as outlined in the Letter of Offer and Acceptance (Written Agreement) and Payment Schedule
- Failure to comply with Intervention Strategies or other formal notices such as but not limited to meeting requests from Empyrean
- Unable to contact the student for 10 consecutive business days
- The suspension or cancellation of the overseas student's enrolment for these reasons may not take effect until the internal appeals process is completed, unless the health or wellbeing of the student or the wellbeing of others, is likely to be at risk

5. DEFERRAL

Applications for deferral of the commencement of the course must be made by completing a Course Variation Form with any additional evidence and submitting it to EMPYREAN EDUCATION INSTITUTE Admissions Staff before the course commencing.

- a) The Course Variation Form can be submitted via Email, Mail, or in Person.
- b) Email address: students@eei.wa.edu.au

Once EMPYREAN EDUCATION INSTITUTE has been received the request, the student will receive an acknowledgment and request for a face to face or video conference meeting. This meeting is to explain to the student Empyreans obligations, students' rights and responsibilities as well as the potential impact on student's ability to complete the course and or impacts to Visa.

Once this process has been complete, and all parties agree and accept, Formal notification of the outcome of Deferral; the request will be given to the student as well as:

- a) An updated Confirmation of Enrolment letter and Enrolment Agreement (if applicable) will be provided to reflect the new training plan.
- b) EMPYREAN EDUCATION INSTITUTE will inform the Secretary of the Department of Education via PRISMS as required under the ESOS Act.

6. SUSPENSION

Applications for Suspension of enrolment must be made by completing a Course Variation Form with any additional evidence and submitting it to Empyrean Education Institute Student Support Officer.

- Applications must be received at least 10 working days before the requested Suspension date.
- Applications received less than 10 working days before the requested Suspension date will not be processed.
- In the event of an emergency requiring Suspension, the submission timeline of 10 working days may be waived by the Empyrean Education Institute.
- Once Empyrean Education Institute has processed the Suspension request, the student will receive a written correspondence of the outcome.
- Empyrean Education Institute will inform the Secretary of the Department of Education via PRISMS as required under the ESOS Act.

Once EMPYREAN EDUCATION INSTITUTE has processed the suspension, the student will receive an acknowledgment and request for a face to face or video conference meeting. This meeting is to explain to the student Empyreans obligations, students' rights and responsibilities as well as the potential impact on student's ability to complete the course and or impacts to Visa.

7. Before SUSPENSION

In any given situation that leads to a suspension or cancellation of studies, instigated by EMPYREAN EDUCATION INSTITUTE, before suspending/cancellation:

- Formal written notification will be provided to the student of the intent and reasons for suspension/cancellation
- Inform the parent(s)/legal custodian(s) of the student if the student is younger than 18 years of age
- Inform and supply a document to registered agents or representatives.
- The student will be informed of their right to appeal this decision, as well as the timeframe and process for doing so
- The student shall have 20 working days to access the EMPYREAN EDUCATION INSTITUTE's Internal Complaints and Appeals process.

8. APPEALS PROCESS

The deferment or temporary suspension of studies cannot take effect until the Internal Appeals process has been completed unless extenuating circumstances relating to the welfare of the student apply.

- In the case of students under the age of 18, a copy of the formal notification will be forwarded to the Parent or Legal Guardian and a resolution formulated
- After the complaints and appeals process, should the deferment, temporary suspension, or cancellation of studies be upheld by the complaints and appeals hearing, EMPYREAN EDUCATION INSTITUTE will inform the Secretary of the Department of Education via PRISMS as required under the ESOS Act.

9. DEFERRAL OR SUSPENSION REPORTING OBLIGATIONS

In the instance of deferral or suspension action going ahead, EMPYREAN EDUCATION INSTITUTE will inform the student regarding the need to immediately contact Immigration for advice on the potential impact on the student's visa.

EMPYREAN EDUCATION INSTITUTE will report the change to the overseas student's enrolment as per section 19 of the ESOS Act.

Empyrean always will act in good faith and in the best interest of the students. Empyrean must have recorded evidence that it has informed students of the impacts of decisions made and students' rights and or responsibilities.

10. GUIDELINES & IMPLICATIONS OF SUSPENSION OR DEFERRAL

Students are to be made aware that:

- Students can only temporarily suspend enrolment for a maximum period of six months,
- Deferral or Suspension of enrolment may affect the student's VISA,
- If the enrolment is suspended for a period greater than six months, the student's visa may be canceled by the Australian Department of Home Affairs

11. RESPONSIBILITIES

All documentation relating to deferment or temporary suspension of studies will be held in the student's file and managed by Student Support Officers. This information may be shared with third parties such as registered agents.

Also, any discussions with the student and relevant staff members relating to the deferment, temporary suspension, or cancellation of studies will be recorded and placed as minutes in the student's file as well as being noted in the Student Management System.

Empyrean's staff will always try to act and make decisions in the best interest of the student. Empyrean's staff cannot provide immigration advice, legal advice, or other types of advice that is unqualified.