

DEFERRAL & SUSPENSION POLICY

1. PURPOSE

- 1.1. To provide a documented process for assessing, approving, and recording a postponement of the commencement of study, or the suspension of study for the overseas student.

2. SCOPE

- 2.1. This policy applies to all current and prospective EMPYREAN EDUCATION INSTITUTE International/Overseas students.
- 2.2. 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

- 3.1. *Deferral* means to delay or pause a course's commencement or study period.
- 3.2. *Suspension* means to temporarily delay or pause the enrolment once the course has commenced; this can be student-initiated or college-initiated.
- 3.3. *Compassionate or Compelling circumstances* are defined as circumstances beyond the control of the student, and which have an impact on the student's course progress or well-being. These could include, but are not limited to:
 - 3.3.1. Severe illness or injury, where a medical certificate states that the student was unable to attend class.
 - 3.3.2. Bereavement of close family members such as parents, a spouse, children, or siblings.
 - 3.3.3. Major political upheaval or natural disaster in the home country requiring emergency travel has impacted the student's studies,
- 3.4. *A traumatic experience* could include:
 - 3.4.1. Involvement in or witnessing a serious accident
 - 3.4.2. Witnessing or being the victim of a severe crime
- 3.5. *Student Misconduct and/or misbehavior* is unacceptable behavior in accordance with the Student Handbook and Code of Conduct. This can lead to a suspension or, in more severe circumstances, cancellation of studies.

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

- 3.6.1. Continuous interruptions of the trainer
- 3.6.2. Academic dishonesty
- 3.6.3. Being disrespectful to a trainer or other participants
- 3.6.4. Harassment by using offensive language
- 3.6.5. Sexual harassment
- 3.6.6. Acting in an unsafe manner places themselves and others at risk
- 3.6.7. Refusing to participate when required in group activities
- 3.6.8. Continued absence or late arrival at required times
- 3.6.9. 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. EMPYREAN EDUCATION INSTITUTE can suspend or cancel a student's enrolment, including, but not limited to:

4.1.2.1. Student misconduct

4.1.2.2. Breach of Visa conditions

4.1.2.3. Not holding a valid Visa (refusal or cancellation)

4.1.2.4. Failure to comply with the Terms and Conditions 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

4.1.2.5. The non-payment of fees following the Instalment Plans as outlined in the Letter of Offer and Acceptance (Written Agreement) and Payment Schedule

4.1.2.6. Failure to comply with Intervention Strategies or other formal notices issued by

EMPYREAN EDUCATION INSTITUTE

4.1.2.7. Unable to contact the student for ten consecutive business days

4.1.3. 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 well-being of the student or the well-being of others is likely to be at risk

5. DEFERRAL

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

5.2. The Course Variation Form can be submitted via Email, Mail, or in Person.

5.3. Email address: students@eei.wa.edu.au

5.4. Once EMPYREAN EDUCATION INSTITUTE has 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 Empyrean's obligations, students' rights, and responsibilities, as well as the potential impact on the student's ability to complete the course and/or impacts to visa.

5.5. EMPYREAN will request the student to pay a full-term tuition fee in advance before processing the deferral request in SMS and PRISMS

5.6. Once this process has been completed and all parties agree and accept, formal notification of the outcome of deferral; the request will be given to the student as well as:

5.6.1. An updated Confirmation of Enrolment letter and Enrolment Agreement (if applicable) will be provided to reflect the new training plan

5.6.2. EMPYREAN EDUCATION INSTITUTE will inform the Secretary of the Department of Education via PRISMS as required under the ESOS Act

6. SUSPENSION

6.1. 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.

6.2. Applications must be submitted to EMPYREAN EDUCATION INSTITUTE at least ten working days before the requested Suspension date.

6.2.1. Applications received less than ten working days before the requested suspension date will not be processed.

- 6.3. In the event of an emergency requiring suspension, the submission timeline of 10 working days may be waived by EMPYREAN EDUCATION INSTITUTE.
- 6.4. Once EMPYREAN EDUCATION INSTITUTE has processed the Suspension request, the student will receive a written correspondence of the outcome.
- 6.5. Empyrean Education Institute will inform the Secretary of the Department of Education via PRISMS as required under the ESOS Act.
- 6.6. 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 the student's ability to complete the course and/or impacts to visa.
- 6.7. Before SUSPENSION
 - 6.7.1. In any given situation that leads to a suspension or cancellation of studies, before suspending/cancellation:
 - 6.7.1.1. Formal written notification will be provided to the student of the intent and reasons for suspension/cancellation
 - 6.7.1.2. Inform the parent(s)/legal custodian(s) of the student if the student is younger than 18 years of age
 - 6.7.1.3. Inform and supply a document to registered agents or representatives
 - 6.7.1.4. The student will be informed of their right and the process to appeal this decision
- 6.8. The student shall have 20 working days to access the EMPYREAN EDUCATION INSTITUTE Internal Complaints and Appeals process.

7. APPEALS PROCESS

- 7.1. The postponement 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.
- 7.2. 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.
- 7.3. 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.

8. GUIDELINES & IMPLICATIONS OF SUSPENSION OR DEFERRAL

8.1. Students are to be made aware that:

- 8.1.1. Students can only temporarily suspend enrolment for a maximum period of six months
- 8.1.2. Students are required to pay a full-term tuition fee in advance before any changes to enrolment and eCoEs can be made
- 8.1.3. Deferral or suspension of enrolment may affect the student's VISA
- 8.1.4. 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
- 8.1.5. If the student has decided not to continue studying with Empyrean at the end of their deferment or suspension, the pre-paid tuition fee will become a cancellation fee, students may be eligible for a refund and the refund amount will be processed based on Empyrean's refund policy.

9. DEFERRAL OR SUSPENSION OF REPORTING OBLIGATIONS

- 9.1. In the instance of deferral or suspension action, EMPYREAN EDUCATION INSTITUTE will inform the student to immediately contact Immigration for advice on the potential impact on the student's visa.
- 9.2. EMPYREAN EDUCATION INSTITUTE will report the change to the overseas student's enrolment as per section 19 of the ESOS Act.
- 9.3. 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 their rights and responsibilities.
- 9.4. All documentation relating to deferment or temporary suspension of studies will be held in the student's file and managed by EMPYREAN EDUCATION INSTITUTE. This information may be shared with third parties, such as registered agents.
- 9.5. Any discussions with the student and relevant staff members relating to the postponement, temporary suspension, or cancellation of studies will be recorded in the student's file and noted in the Student Management System.
- 9.6. EMPYREAN EDUCATION INSTITUTE will always try to act and make decisions in the student's best interest. EMPYREAN EDUCATION INSTITUTE cannot provide immigration advice, legal advice, or other unqualified advice.

10. RELATED LEGISLATION & REGULATIONS

- 10.1. The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018, known as ‘the National Code 2018’
- 10.2. Standards for Registered Training Organisations (RTOs) 2015
- 10.3. Education Services for Overseas Students Act 2000
- 10.4. Education Services for Overseas Students Regulations 2001