

CANCELLATION & WITHDRAWAL POLICY

1. PURPOSE

- 1.1. To provide a documented process for assessing, approving, and recording a cancellation or withdrawal from one or more courses, including keeping documentary evidence on the student's file of the application assessment.

2. SCOPE

- 2.1. This policy applies to all overseas students and enrolling students.
- 2.2. EMPYREAN EDUCATION INSTITUTE may only enable students to withdraw or cancel from a course under limited circumstances or for Compassionate or Compelling reasons.

3. DEFINITIONS

- 3.1. *Cancellation*- means the cessation of enrolment on a course or multiple courses a student is enrolled with Empyrean initiated by the College.
- 3.2. *Withdrawal*- means a student that wishes to withdraw from a commenced course or future courses
- 3.3. *Compassionate or Compelling* circumstances are circumstances beyond the student's control that impact the student's course progress or well-being. These could include, but are not limited to:
 - 3.3.1. Illness or injury, where a medical certificate states that the student was unable to attend classes.
 - 3.3.2. Bereavement of direct family members such as parents, spouses, children, or siblings
 - 3.3.3. Major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted the student's studies.
- 3.4. A traumatic experience could include:
 - 3.4.1. Involvement in or witnessing of a serious accident; or
 - 3.4.2. Witnessing or being the victim of a serious crime and these experiences have impacted the student.
- 3.5. *Student Misconduct* is defined as students who display unacceptable behavior in accordance with the Student Handbook and Code of Conduct
- 3.6. 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 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
- 3.6.10. Provide false or fraudulent documents to Empyrean

4. POLICY STATEMENT

4.1. ACCEPTABLE REASONS FOR SUSPENSION OR CANCELLATION

- 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 cancel a student's enrolment, including, but not limited to the following factors:
 - 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 such as but not limited to meeting requests from Empyrean

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. CANCELLATION

- 5.1. Cancellation of enrolment initiated by the College will only occur after careful consideration of the individual evidence, student circumstances, and impacts or risks to the student and or EMPYREAN EDUCATION INSTITUTE.
- 5.2. Once EMPYREAN EDUCATION INSTITUTE has processed the cancellation, the student will receive a written correspondence of the outcome from the Administration Manager or Student Services Officer.
- 5.3. The student has 20 days to appeal the cancellation decision, during which EMPYREAN EDUCATION INSTITUTE will keep the enrolment open until the process has been completed.
- 5.4. Students are expected to maintain attendance and academic progress during the appeals process unless otherwise directed in the notification letter.
- 5.5. The student may apply for a refund if any fees have been paid in advance.
- 5.6. Students will receive a certificate or statement of attainment for qualifications and/or units completed up to the cancellation date.
- 5.7. No certification or documents will be released to the student if there are any outstanding fees or charges.
- 5.8. The student will not be released in the PRISMS system if they have been cancelled unless they have completed their six months of their principal course or under other limited circumstances.

6. WITHDRAWAL

- 6.1. Applications for withdrawal from a course must be made by completing a Course Variation Form with any additional evidence and submitting it to EMPYREAN EDUCATION INSTITUTE Student Support Officer.
- 6.2. Any withdrawal must be made formally with evidence of why the student is withdrawing.
- 6.3. EMPYREAN EDUCATION INSTITUTE has the right to refuse a withdrawal where a student has not completed six (6) months of their primary (principal) course.
- 6.4. EMPYREAN EDUCATION INSTITUTE has the right to refuse a withdrawal because the student has outstanding fees or if the student is in the debt recovery process as 'unresolved'.

- 6.5. A withdrawal charge will apply to all successful applications for withdrawal. This fee will be deducted from tuition fees held in advance. If no fees are held in advance, the student will be invoiced.
- 6.6. *NEW students- Before Commencement:* - Deposit paid will be forfeited (capped at total \$1500)
- 6.7. *After Commencement:* - A set Term Fee of \$2500 will be charged regardless of how much notice is given or how much of the course has been completed.
- 6.8. *Current students -Before Commencing Next Course-* - A minimum of 10 weeks' notice must be given. Less than ten weeks' notice will attract an additional term fee as per student's payment plan.
- 6.9. The student must pay the withdrawal fee to process the application and receive the required documents.
- 6.10. Any refund application will be processed following the refund policy.
- 6.11. Certification of any description will only be processed after all outstanding fees are paid.
- 6.12. A Certificate will be issued within 30 calendar days of these conditions being met.
- 6.13. All documentation will be recorded in the student file.
- 6.14. The student must state valid reasons for withdrawal. Students may be asked to supply evidence to justify the reasons given.
- 6.15. If a withdrawal request is granted. EMPYREAN EDUCATION INSTITUTE will inform the Secretary of the Department of Education via PRISMS as required under the ESOS Act. Students and or registered agents will receive copies of all related documents.
- 6.16. Students might be eligible for release in the PRISMS system to apply for other COE's or visas after the fee has been paid or depending on the reasons for withdrawal, or individual circumstances.
- 6.17. Should the student wish to withdraw and return to their home country, the student must advise the Australian Department of Home Affairs to cancel their student visa.

7. PRIOR TO CANCELLATION

8. In any given situation that leads to cancellation of studies, before suspending/cancellation:
 - 8.1. Formal written notification will be provided to the student of the intent and reasons for suspension/cancellation
 - 8.2. Inform the parent(s)/legal custodian(s) of the student if the student is younger than 18 years of age
 - 8.3. Inform and supply a document to registered agents or representatives

- 8.4. The student will be informed of their right to appeal this decision, as well as the timeframe and process for doing so
- 8.5. The student shall have 20 working days to access the EMPYREAN EDUCATION INSTITUTE's Internal Complaints and Appeals process

9. APPEALS PROCESS

- 9.1. The student enrolment cannot be cancelled until the Internal Appeals process has been completed unless extenuating circumstances relating to the student's welfare apply.
- 9.2. 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, and a resolution formulated.
- 9.3. 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.

10. CANCELLATION REPORTING OBLIGATIONS

- 10.1. In the instance of deferral, suspension, or cancellation, EMPYREAN EDUCATION INSTITUTE will inform the student to immediately contact Immigration for advice on the potential impact on the Student's Visa.
- 10.2. EMPYREAN EDUCATION INSTITUTE will report the change to the overseas student's enrolment as per section 19 of the ESOS Act.
- 10.3. Empyrean always will act in good faith and 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.

11. GUIDELINES & IMPLICATIONS OF CANCELLATION

- 11.1. Students are to be made aware that:
 - 11.1.1. Cancellation or withdrawal of enrolment may affect the Student's VISA
 - 11.1.2. The potential impacts of actions taken
 - 11.1.3. The student's rights and responsibilities

12. EMPYREAN RESPONSIBILITIES

- 12.1. All documentation relating to the withdrawal or cancellation 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.
- 12.2. Any discussions with the student and relevant staff members relating to the withdrawal or cancellation of studies will be recorded and placed in the student's file and noted in the Student Management System.
- 12.3. Empyrean's staff will always try to act and make decisions in the student's best interest. Empyrean's staff cannot provide immigration advice, legal advice, or other unqualified advice.

13. RELATED LEGISLATION & REGULATIONS

- 13.1. The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018, known as 'the National Code 2018'
- 13.2. Standards for Registered Training Organisations (RTOs) 2015
- 13.3. Education Services for Overseas Students Act 2000
- 13.4. Education Services for Overseas Students Regulations 2001