

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 EEI International/Overseas students.
- 2.2. Empyrean Education Institute (EEI) 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 temporarily delaying or pausing the enrolment once the course has commenced; this can be student-initiated or college-initiated.
- 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. Severe illness or injury, where a medical certificate states that the student could not attend class.
- 3.3.2. Bereavement of close family members such as parents, spouses, children, or siblings.
- 3.3.3. A major political upheaval or natural disaster in the student's home country that requires 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 misbehaviour is unacceptable* according to 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, 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, EEI can temporarily suspend a student's enrolment on the grounds of:
 - 4.1.1.1. Compassionate or Compelling circumstances
- 4.1.2. EEI 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 outlined in the Letter of Offer and Acceptance (Written Agreement) for Course Progress or Attendance, and any formal warning issued by EEI 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 EEI.

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 student's health or well-being, or others' well-being, is likely to be at risk.

5. DEFERRAL

5.1. To apply for deferral of the course commencement, you must complete a Course Variation Form and submit it with any additional evidence to EEI 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 EEI has received the request, the student will receive an acknowledgment and request a face-to-face or video conference meeting. This meeting explains Empyreans' obligations, rights, and responsibilities to the student and the potential impact on the student's ability to complete the course and/or effects on the 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. EEI 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 EEI.

6.2. Applications must be submitted to EEI 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, EEI may waive the 10-working-day submission timeline.
- 6.4. Once EEI has processed the suspension request, the student will receive written correspondence about the outcome.
- 6.5. EEI will inform the Secretary of the Department of Education via PRISMS as required under the ESOS Act.
- 6.6. Once EEI has processed the suspension, the student will receive an acknowledgment and will be requested to request 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 effects on the visa.
- 6.7. Before SUSPENSION
- 6.7.1. In any given situation that leads to a suspension or cancellation of studies, before suspending/cancelling:
- 6.7.1.1. The student will receive formal written notification of the intent and reasons for suspension/cancellation.
- 6.7.1.2. If the student is younger than 18 years of age, inform the parent(s)/legal custodian(s).
- 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 EEI 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 student's welfare apply.
- 7.2. For students under 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, EEI 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 must pay a full-term tuition fee in advance before making changes to enrolment and COEs.

8.1.3. Deferral or suspension of enrolment may affect the student's VISA.

8.1.4. If enrolment is suspended for more than six months, the Australian Department of Home Affairs may cancel the student's visa.

8.1.5. If the student decides 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, which will be processed based on Empyrean's refund policy.

9. DEFERRAL OR SUSPENSION OF REPORTING OBLIGATIONS

9.1. In deferral or suspension action, EEI will inform the student to immediately contact Immigration for advice on the potential impact on the student's visa.

9.2. EEI will report on the change to the overseas student's enrolment as per section 19 of the ESOS Act.

9.3. Empyrean will always 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.

9.4. All documentation relating to deferment or temporary suspension of studies will be held in the student's file and managed by EEI. 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. EEI will always try to act and make decisions in the student's best interest. EEI cannot provide immigration, legal, or unqualified advice.

10. RELATED LEGISLATION & REGULATIONS

10.1. National Code of Practice for Providers of Education and Training to Overseas Students 2018, known as "**The National Code 2018**".

10.2. National Vocational Education and Training Regulator (Outcome Standards for NVR Registered Training Organisations) Instrument 2025, known as "**Outcome Standards 2025**".

10.3. Education Services for Overseas Students Act 2000, Known as "**ESOS Act 2000**".

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10.4. Education Services for Overseas Students Regulations 2019 Known as **“ESOS Regulations 2019”**.