

# Policy and Procedure – Student Deferral, Suspension, Withdrawal and Refund

## Document

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## Version Control

<b>Issue Date:</b>	<b>Summary of Changes</b>	<b>Review Date</b>
01/01/18	Policy and procedure re-written and reviewed as per the National Code 2018 requirements	01/01/2020
19/02/2019	Policy reviewed and updated	19/02/2021
20/06/2019	Policy reviewed and updated	19/02/2021
19/11/2021	Policy updated to reflect title changes	19/11/2023

## 1. Purpose and Scope

The purpose of this document is to ensure that all students and staff are aware of the policy and procedure which relates to deferring, suspending or cancelling an overseas student's enrolment.

This policy has been developed in accordance with *Standard 9 – Deferring, Suspending or Cancelling The Overseas Student's Enrolment* of the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 (the National Code 2018). The National Code 2018 can be found [here](#).

Navitas English is committed to abide by and implement a deferment, suspension or cancellation policy in accordance with the National Code 2018. As such, this policy should be read in conjunction with the National Code.

This policy and procedure supports the intent of the standard and outlines the circumstances under which Navitas English Services Pty Ltd, trading as Navitas English, will consider a student request for deferral, suspension or cancellation of study:

1. Before commencement at Navitas English;
2. After commencement at Navitas English.

This Policy and Procedure applies to all students who are enrolled in or intending to enrol in courses delivered by Navitas English Services (CRICOS Provider Code 00289M).

## 2. Policy

Student visa holders must be aware that deferment, suspension or cancellation of enrolment may affect their student visa, and should refer to the Department of Home Affairs (DHA) website or helpline (131881) for further information. Navitas English will notify DHA via the Provider Registration and International Student Management System (PRISMS) of any deferral, suspension or cancellation of an overseas student's enrolment.

Navitas English may authorise refunds or deferrals to students, including for reasons not covered by the [Navitas English Conditions of Enrolment](#). Navitas English may also take into consideration of other factors, including individual circumstances of a student, which may not have been specified in this policy document. All such requests will be dealt with on a case by case basis.

Student request for deferral or refund cannot be accepted without:

- A completed *Deferral & Refund Request Form* (NES 2.10 F1);
- Related supporting documentation;
- If the student is government sponsored:
  - written authorised support for the deferral or refund request from the Government sponsor.
- If the student is under 18 years of age:
  - written evidence that the student's parent or legal custodian supports the deferral or refund request.

### 2.1 Deferral or postponement

Navitas English recognises that students may have the need to defer or postpone from their program of study following or prior to enrolment at Navitas English.

Approval for deferral or postponement of a course is at the sole discretion of Navitas English. Students must provide Navitas English with documented evidence in support of their application for deferral or postponement as required by Navitas English. For the purposes of this policy, **Evidence** means

documents or other material which would satisfy a reasonable person that the claim is bona fide and/or the circumstances appealed to are genuine.

A student can apply for deferral or postponement at any time. Depending upon the timing of the request, an enrolment may be deferred or postponed for a maximum of:

- 12 months when a deferral request is received prior to the commencement a student's initial course
- 24 months when a deferral request is received after the commencement of a student's initial course

As outlined in the [Navitas English Conditions of Enrolment](#), **Initial Course** means a student's course or if a student has a multiple course enrolment, a student's course with the earliest commencement date.

If approved, Navitas English will DHA accordingly and may hold remaining Course Fees as credit for up to periods outlined above from the date permission is granted.

Navitas English may allow a student to defer or postpone the commencement in circumstances including but not limited to the following:

- a) If the student has paid tuition fees for a course;
- b) If the student provides Navitas English with at least four weeks' written notice before the commencement of the course (the student may be required to pay any increase in tuition fees from the time of deferment of the commencement of the course);
- c) If the student cannot start his or her Course on the agreed start date because there is a delay in receiving the student visa before the student's course commences; or
- d) If the student has compassionate or compelling circumstances, such as: death in the immediate family (father, mother, child, sibling, spouse only); natural disaster in the home country; the student or the student's dependant family member is seriously ill;
- e) The student becomes pregnant; or becomes a victim of a serious crime or trauma;
- f) A breach of course progress or attendance requirements by the overseas student, in accordance with *Standard 8 (Overseas Student Visa Requirements)* of the National Code 2018.

Unless expressly stated otherwise in these terms and conditions, students will not be entitled to any further deferral, postponement, refund or transfer of fees.

For those students who have commenced their courses, and have subsequently been permitted to defer or postpone part of their courses, and who fail to return by the maximum deferral periods outlined above, the remainder of their course is to be cancelled unless further deferment is expressly authorised by Navitas English. Remaining tuition fees are not refundable under these circumstances.

## 2.2. Withdrawal and Refund

A student may request to withdraw from their program of study at any time. Depending upon the timing of the request, financial penalties will be applied as outlined in the [Navitas English Conditions of Enrolment](#).

## 2.3 Suspension or cancellation

Navitas English reserves the right to suspend or cancel an enrolment because:

- a) The student has failed to pay an amount a student was liable to pay Navitas English (directly or indirectly) in order to undertake a Course;
- b) The student has breached a condition of his or her student visa;

- c) The student who is under 18 years of age, refuses to maintain his or her approved care arrangements without sufficient reason acceptable to Navitas English, or
- d) The student's behaviour is deemed unacceptable to Navitas English, including but not limited to behaviour as described in the [Navitas English Code of Conduct](#).

If a student's enrolment is suspended or cancelled by Navitas English due to any of the above reasons, no refund of tuition fees is payable in accordance with the [Navitas English Conditions of Enrolment](#).

If Navitas English initiates a suspension or cancellation of a student's enrolment, before imposing a suspension or cancellation Navitas English will:

- Inform students of that intention and the reasons for doing so in writing;
- Advise students of their right to appeal through the provider's internal complaints and appeals process, in accordance with *Standard 10 (Complaints and Appeals)*, within 20 working days.

For any deferral, suspension or cancellation of enrolment initiated by Navitas English, the student must be given a notice of intention to report and 20 working days to access Navitas English's internal complaints and appeals process. This applies even if the student's misbehaviour is grounds for immediate expulsion, unless the student's health or wellbeing, or the wellbeing of others, is likely to be at risk.

This may include, but is not limited to when the student: refuses to maintain approved care arrangements, if they are under 18 years of age; is missing; has medical concerns, severe depression or psychological issues which lead the provider to fear for the student's wellbeing; has engaged or threatens to engage in behaviour that is reasonably believed to endanger the student or others; or is at risk of committing a criminal offence.

## 3. Procedure

Authoritative decisions ("Authorisations") on Refund and Deferral requests are made by the Admissions Manager (AM).

If approved, details of Refund Authorisations are provided to Admissions and Finance staff by the DABI using the *Student Refund Authorisation (NES 2.10 F2)*. A copy of the form should be filed in the student file.

### 3.1 Deferral or postponement

#### 3.1.1. Non-arrival on Course Start Date

1. Students who fail to show up for Course Start Date (CSD) are allocated to eBecas class \*\*\* No Shows \*\*\* by CM-DoS, no later than close of business Wednesday of every intake, for ease of identification.
2. Senior Admissions Officer (SAO) reviews population of \*\*\* No Shows \*\*\* for each centre weekly.
3. SAO contacts agent/student to verify why the student did not start the course when expected, when and whether the student will start the course.
4. SAO informs CM-DoS of outcome, and revise the student's enrolment and fees data in SMS accordingly.
5. If no response is received within 14 days from the expected course start date and an eCOE has been issued, the SAO must advise DHA via PRISMS by completing "Student Course Variations – Non-commencement of studies" of the eCOE issued for that student. If the student has lodged a student visa application to an Australian Embassy and the CSD has passed but the visa has not been issued, Admissions staff must cancel the original eCoE on PRISMS and issue a new eCoE with the new confirmed CSD. Admissions staff then forwards a copy of the new eCoE to the student / agent.

6. SAO advises the student/agent that a cancellation fee will be charged should the student cancel the course after confirmation of the Deferral (except in the case of visa rejection).
7. If an overseas student fails to return by the maximum period outlined in section 2.1 above, the SAO informs DHA via PRISMS by completing "Student Course Variations – Non commencement of studies" of the eCOE issued for that student.

### 3.1.2. Request for Deferral after Course Start Date

1. The CM-DoS is responsible for documenting requests for Deferrals of tuition after students have commenced their courses using *Deferral & Refund Request Form* (NES 2.10 F1).
2. The AM may authoritatively approve ("Authorise") course Deferrals requests received from students who are studying on a student visa. Whereas, the SAO may authoritatively approve ("Authorise") course Deferrals requests received from students who are studying on other types of visas.
3. If the student's request for deferral is approved, the SAO will record the "Student Course Variation" "Deferring/Suspending student enrolment – Compassionate or compelling circumstances" noting the reason for the deferral in the comments section of the report in PRISMS.
4. SAO adds a note to the Diary/Contacts Section of the Navitas English Student Management System (SMS) recording the details of the deferral.
5. If an overseas student fails to return by the maximum period outlined in section 2.1 above, the SAO informs DHA via PRISMS by completing "Student Course Variations – Student Notified Cessation of Studies" of the eCOE issued for that student.

## 3.2. Suspension or cancellation

The following procedure applies to when Navitas English initiates a suspension or cancellation for reasons other than non-payment of fees:

1. The CM-DoS ensures that the student is informed of Navitas English's intention to suspend or cancel his or her enrolment and the reasons for doing so, in writing
2. The CM-DOS advises students of his or her right to appeal through the Navitas English internal complaints and appeals process, in accordance with *Standard 10 (Complaints and Appeals)*, within 20 working days
3. Unless the student's health or wellbeing, or the wellbeing of others, is likely to be at risk, the suspension or cancellation of an overseas student cannot take effect until the internal appeals process is completed.
4. At the conclusion of the Complaints and Appeals process, the CM-DoS provide details of the suspension or cancellation to SAO
5. The SAO will then report the change to the student's enrolment in PRISMS and email student of the cancellation of COE and the potential impact on their visa advising them to seek advice from Immigration

The procedure for suspension or cancellation resulting from non-payment of fees is outlined in *Policy Procedure non-payment of fees* (NES 2.16).

When a suspension or cancellation is applied to under 18 students, Navitas English will continue to organise the welfare arrangements for the student, until any of the following applies:

- The student has alternative welfare arrangements approved by another registered provider
- The care of student by a parent or nominated relative is approved by DHA
- The student departs from Australia

- Navitas English has notified DHA that it is no longer to approve the student's welfare arrangements, including when Navitas English is unable to contact the student after making all reasonable efforts to do so. Refer to Policy and Procedure Younger Overseas Students (NES 3.15) for more information.

## 3.2. Refund

The CM-DoS is responsible for ensuring that any refund/deferral requests are forwarded to the AM along with all supporting documentation. Any incomplete Refund and Deferral applications will not be accepted. The AM will then consider each request and advise the student of the outcome in writing within 10 working days from receipt of the application and all supporting documentation.

1. The CM-DoS is responsible for documenting requests for Deferrals of tuition after students have commenced their courses using *Deferral & Refund Request Form* (NES 2.10 F1) along with all supporting documentation.
2. The AM may authoritatively approve ("Authorise") Refund requests received from students;
3. If the student's request for deferral is approved, the SAO will record the "Student Course Variation" "Student notifies cessation of studies" in PRISMS.
4. If approved, the AM will provide details of Refund Authorisations to Admissions and Finance staff using the *Student Refund Authorisation Form* (NES 2.10 F2), signed by the AM. The SAO will then retain a copy of the form in the student file.
5. Where the student is agented and if approval of the student's request for a refund is authorised:
  - a) The SAO will request that the agent refund a portion of their agent commission payment as per the detail provided by the SAO.
  - b) If the agent agrees to refund a portion of their agent commission payment, Navitas English will refund gross fees directly to the student.
  - c) If the agent refuses to refund a portion of their agent commission payment, Navitas English will refund net fees via the agent.

## 4. Responsibilities

Example below

The **Admissions Manager (AM)** is responsible for:

- Overall guidelines on deferral, suspension and cancellation
- Authoritative decisions on deferral, suspension, cancellation and refund requests
- Processing deferral, suspension, cancellation and refund request in accordance with the Navitas English Policy and Procedure

**CM-DoSs** are responsible for:

- Monitoring and proper application of these procedures
- Interviewing student and contacting agent (if required, in consultation with relevant Market Manager)
- Providing detailed information to the DABI as described in relevant Policy and Procedure, using Deferral & Refund Request Form

**Admissions staff** are responsible for:

- Proper application of these procedures
- Liaison with agent regarding agent commission refund
- Filling of all documentation relating to these procedures

- Recording the release in PRISMS under delegated authority from the Principal Executive Office (PEO)

**Recruitment Managers** are responsible for:

- Liaison with agents, as applicable, including in ascertaining agents' position with respect to student deferral and/or refund requests.

## 5. Definitions

<b>CRICOS</b>	:	Commonwealth Register of Institutions and Courses for Overseas Students
<b>DHA</b>	:	Department of Home Affairs
<b>SMS</b>	:	Student Management System
<b>National Code 2018</b>	:	The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Student 2018.
<b>Principal Course</b>	:	The final or highest level of study to be undertaken by an international student.
<b>RM</b>	:	Regional Manager

## 6. Review

This template document is reviewed every 2 years by the relevant manager to ensure alignment to appropriate strategic direction and its continued relevance to Navitas English's current and planned operations.

The next scheduled review of this document is listed in the Version Control section on Page 1.

## 7. Related documents

- NES 2.10 D1 Student Refund and Deferral - Process Diagram
- NES 2.10 D2 Student Refund Decision Letter - Granted
- NES 2.10 D3 Student Refund Decision Letter – Denied
- NES 2.10 D4 Student Refund Decision Letter - Incomplete Application
- NES 2.10 D5 Student Deferral Approval Letter
- NES 2.10 F1 Deferral & Refund Request Form
- NES 2.10 F2 Student Refund Authorisation
- NES 3.07 Policy and Procedure Complaints and Appeals for International Students
- NES 2.16 Policy Procedure Non-Payment of fees
- NES 3.15 Policy and Procedure Younger Overseas Students