

## DEFERRAL SUSPENSION CANCELLATION WITHDRAWAL POLICY

<b>Version:</b>	1.029APR2024JRAYNE.
<b>Authorised by:</b>	James Rayne, Principal Executive Officer.
<b>Effective date:</b>	29 April 2024.
<b>Scope:</b>	All campuses of Kingston International College in Australia.
<b>Moderated by:</b>	James Rayne, Principal Executive Officer.
<b>Validated by:</b>	Sanjay Rungasamy, Academic and Operations Manager. Jasper Dong, Administrative and Student Support Manager. Yeyan Lao, Accounts Manager.
<b>Aim:</b>	<p>The aim of this policy is to provide information to all stake holders of Kingston International College in regard to:</p> <ul style="list-style-type: none"> <li><b>A.</b> Student-initiated course deferral <i>and</i></li> <li><b>B.</b> Student-initiated course suspension <i>and</i></li> <li><b>C.</b> Student-initiated course cancellation.</li> </ul>
<b>Purpose:</b>	<p>The purpose of this policy is to ensure that Kingston International College remain compliant with relevant legislative and regulative requirements such as, but not limited to:</p> <ul style="list-style-type: none"> <li><b>A.</b> <i>National Code 2018 Standard 7 and Standard 9 and</i> <a href="https://www.legislation.gov.au/Details/F2017L01182">https://www.legislation.gov.au/Details/F2017L01182</a></li> <li><b>B.</b> <i>Education Services for Overseas Students Act 2000 where applicable and</i> <a href="https://www.legislation.gov.au/Details/C2022C00066">https://www.legislation.gov.au/Details/C2022C00066</a></li> <li><b>C.</b> <i>RTO standards 2015 Standard 4 and Standard 5 and</i> <a href="https://www.legislation.gov.au/Details/F2023C00931">https://www.legislation.gov.au/Details/F2023C00931</a></li> <li><b>D.</b> <i>Overseas students Ombudsman</i> <a href="https://www.ombudsman.gov.au/_data/assets/pdf_file/0030/298911/OSO-providers_Assessing-Compassionate-or-Compelling-Circumstances-A2297580.pdf">https://www.ombudsman.gov.au/_data/assets/pdf_file/0030/298911/OSO-providers_Assessing-Compassionate-or-Compelling-Circumstances-A2297580.pdf</a></li> </ul>
<b>Targeted audience:</b>	The policy applies to all stakeholders of Kingston International College, notably active students, potential students, education agents and migration / education agents and employees.

## 1.0 POLICY STATEMENT

### 1.1 DEFINITIONS

In this policy, the below definition, per Kingston International College, applies:

1.1.1 An **active student** of Kingston International College (Here-in KIC) means a student who:

- A. Holds a KIC Confirmation of Enrolment (Here-in COE) (International visa holders only) *and/or*
- B. Is currently enrolled in a current and/or future KIC course, regardless of whether the student is onshore (in Australia) or offshore (outside of Australia).

1.1.2 A **potential student** of KIC means a student who wishes to enrol in KIC and whom:

- A. Does not hold a KIC Confirmation of Enrolment (COE) (International visa holders only) *and/or*
- B. Is not enrolled in a current and/or future KIC course.

1.1.3 A student-initiated **course deferral or deferment** refers to an active student who wishes to:

- A. Postpone their course in which he/she is enrolled into *and*
- B. Which has not yet commenced, to a later stage / date. A course commencement date can be accessed in the respective course timetable and the student's letter of offer.

1.1.4 A student-initiated **course suspension** refers to an active student who wishes to:

- A. Suspend their course in which he/she is enrolled into *and*
- B. Which has already commenced as per the student's timetable and letter of offer, to a later stage.

1.15 A student-initiated **course cancellation** refers to a course in which an active student is enrolled into, regardless of whether the course has commenced or not, and which the student wishes to cancel permanently from for compassionate or compelling circumstances.

## 2.0 MAXIMUM DURATION OF COURSE DEFERRAL AND SUSPENSION

2.1 Due to potential changes which may occur in an AQF qualification training package and which may have an adverse effect while revising / issuing a compliant letter of offer, a potential student or an active student may only suspend or defer their course:

- A. For a maximum period of no longer than 6 months, unless
- B. Otherwise approved by management of KIC due to proven compassionate reason/s and compelling circumstance/s.

## 3.0 COMPASSIONATE REASONS AND COMPELLING CIRCUMSTANCES

3.1 An active student of KIC has the onus to prove that their situation is either of a compassionate or compelling nature when applying for a course:

- A. Deferral *or*
- B. Suspension *or*
- C. Cancellation.

3.2 For the purpose of clause 3.1(a)(b)(c), Kingston International College reserves the right to decline such an application if the active student cannot prove compassionate reasons/s or compelling circumstance/s.

3.3 As there are no legislative nor regulatory definitions for compassionate reasons (*Ombudsman fact sheet published in June 2023, see link in the purpose section*), Kingston International College defines a compassionate reason as a situation of empathy, which has impacted / will impact the student's wellbeing and subsequently, their course progress. KIC classifies the below conditions / examples (but not limited to) as compassionate reasons as long as the student has documented evidence:

**A. Medical conditions:**

- I. A student was absent from their class on the 19 Dec 2023 due to illness and has provided a genuine medical note / certificate from a General Practitioner (GP) or Medical Specialist (MS) located in Australia, which states that the student was unfit to study on 19 Dec 2023.
- II. A student has to suspend their course for 3 months due to an injury and has provided a genuine medical note / certificate from a General Practitioner (GP) or Medical Specialist (MS) located in Australia, which states that the student requires bed rest and/or is unfit for study for the next 3 months.
- III. An adverse experience that has impacted on the student mental wellbeing such as involvement or witnessing a serious accident or witnessing. In such a case, a genuine medical note / certificate from a General Practitioner (GP) or Medical Specialist (MS) located in Australia, must be attached with an application for course deferral or suspension and which must state that the student is unfit to study for a specific period of time.

**B. Bereavement** due to sudden death of an immediate family member where evidence can be provided in the form of a Death Certificate and proof of linkage to the deceased. An immediate family member, under Fair Work Ombudsman, is defined as per below:

- I. A spouse or former spouse *or*
- II. A de facto partner or former de facto partner *or*
- III. A child or stepchild *or*
- IV. A sibling (brother, sister, stepbrother, stepsister) *or*
- V. A parent or stepparent *or*
- VI. A grandparent *or*
- VII. A grandchild *or*
- VIII. A sibling of an employee, or a child, parent, grandparent, grandchild or sibling of an employee's spouse or de facto partner.

[https://www.fairwork.gov.au/taxonomy/term/423#:~:text=A%20spouse%20or%20former%20spouse,includes%20step%2Drelations%20\(eq.](https://www.fairwork.gov.au/taxonomy/term/423#:~:text=A%20spouse%20or%20former%20spouse,includes%20step%2Drelations%20(eq.)

**C. Victim of a crime** which has prohibited the student from attending classes. In such a case, applications for a course deferral, suspension, withdrawal or cancellation must be accompanied by sufficient document relative to the situation to prove compassionate reason/s such as an Australian police report.

**D. A major political upheaval or natural disaster** in the student's home country requiring immediate emergency travel. In such a case, KIC may request a student for evidence on a case-by-case basis prior processing their application for a course deferral, suspension, cancellation or withdrawal.

**E. The student's current visa status** does not require the student to be enrolled in a CRICOS registered training provider. In such a case, the student must provide a copy of their current visa when applying for a course deferral, suspension, cancellation or withdrawal.

3.4 As there are no legislative nor regulatory definitions for compelling circumstances (*Ombudsman fact sheet published in June 2023, see link in the purpose section*), Kingston International College defines a compelling circumstance as a situation which is beyond the control of the student, and which has impacted / will impact the student's wellbeing and/or course progress. KIC classifies the below conditions / examples (but not limited to) as compelling circumstances as long as the student has documented evidence:

- A. The student has been refused / not approved a visa or visa renewal to study in Australia.
- B. The student's current visa has ceased / expired and does not have study rights in Australia.
- C. Kingston International College cannot continue to provide on or more of its education services on scope due to (but not limited to):
  - I. A mandatory lockdown imposed by the State or Federal Government of Australia which prohibits face-to-face contact (Subjective to the National Code 2018 which may temporarily waive online classes restrictions) *or*
  - II. A natural disaster or political upheaval in Australia which affects the campus of KIC *or*
  - III. A sanction (Suspension / Cessation of KIC operation, may it be temporary or permanent) imposed by the Department of Education *or*
  - IV. Lack of adequate lecture for an AQF qualification or non-AQF course.

3.5 Kingston International College does not view nor acknowledge the below reason/s as a compassionate or compelling circumstance. However, management reserves the right to view the below points on a case-by-case basis with absolute fairness:

- A. Wedding ceremonies of immediate or distant family members or a friend *or*
- B. Birthday ceremonies of immediate or distant family members or a friend *or*
- C. Religion ceremonies *or*
- D. Religious festivals.

#### 4.0 APPLICATION & TIMEFRAME

4.1 An active student or potential student of KIC who wishes to defer, suspend or cancel their course must:

- A. Contact student support on [student.services@kingstoncollege.wa.edu.au](mailto:student.services@kingstoncollege.wa.edu.au) and seek for a course variation form (CVF) *and*
- B. Complete the CVF as accurate as possible *and*
- C. Attach any genuine supporting document as evidence *and*
- D. Email back the completed and signed CVF alongside their supporting document.

4.2 KIC will process all course variation applications within 7 working days (bar week-end days) from the date such an application was received as long as:

- A. All the required information in the CVF has been accurately completed *and*
- B. Supporting document has been attached to the application where required.

- 4.3 Where a student has applied for a course variation and the student is eligible for a refund, KIC will process the refund as per its refund policy.
- 4.4 Where a student has applied for a course variation and is eligible for a refund and their education agent has been paid commissions, the education agent is liable to reimburse KIC partly or fully as per KIC refund policy for the purposes of refunding the student.
- 4.5 A student who provides misleading or incorrect information deliberately, for the purpose of a course variation application, may be subjected to a notice of intention to cancel their confirmation of enrolment (CoE/s) for violation of KIC code of conduct policy.
- 4.6 A student who has been granted a successful course variation outcome, notably for application of course cancellation, are still transfer restricted to KIC. This means that the student is not allowed to study in any other CRICOS registered training provider unless the student is released from PRISMS by KIC. (For more information, see the KIC transfer of provider policy)
- 4.7 A student who applies for a course variation, will be emailed the outcome of the course variation. The notification will indicate whether the outcome is successful or not successful.
- 4.8 A student who had a not-successful outcome for their course variation outcome, can appeal to the principal executive officer within 7 days of receiving the notification:
- A. In person if the student is in Australia. The student must bring all their documents during the meeting which may be booked through student support services. *or*
  - B. Via online platform if the student is outside of Australia.
- 4.9 A student who fails to complete a course variation application where the student is eligible:
- A. Will remain as an active student per their signed letter of offer agreement *and*
  - B. Will remain liable for their current course tuition fees.

## 5.0 LIABILITY

- 5.1 An applicant or an entity representing / acting on behalf of an applicant, cannot hold KIC liable, for the purpose of a refund, if the applicant's / entity's nominal banking details provided to KIC by the applicant or entity;
- A. Are inaccurate *and*
  - B. Resulted into the funds being processed into a 3<sup>rd</sup> party account other than the applicant's or entity's nominated bank account.

## 6.0 MONETARY CURRENCY

- 6.1 For the purpose of a course variation application, where a student is entitled to a refund, will be processed into Australian Dollars (AUD) currency.

## 7.0 LIMITATION OF STATUTORY CLAIMS

- 7.1 Kingston International College (KIC), will not entertain nor process a refund application or claim if:
- A. The active student or potential student or entity representing the active / potential student, if eligible, did not lodge a refund application within 90 working days (bar week-end days) of, either, their:
    - i. Course cancellation by KIC due to violations of KIC policy/s *and/or*

- ii. COE/s cancellation by KIC due to violations of KIC policy/s *or*
- iii. Student initiated course or COE/s cancellation due to compassionate reasons or compelling circumstances.

**8.0 CONTINUOUS IMPROVEMENT**

- 8.1** Kingston International College will review and document changes made to this policy on a regular basis as part of its continuous improvement process.
- 8.2** Where changes have been made to this policy, the continuous improvement register and the policy register will be updated accordingly by management.

DATE OF REVIEW	CHANGES MADE	AUTHORIZED BY
16 Apr 2024	Revised the current deferral suspension cancellation policy. Amended the policy to version 1.0 2024 with the below changes: <ul style="list-style-type: none"> <li>• Simplify the level of English used.</li> <li>• Added more details to guide student’s application.</li> <li>• Added conditions in liability section.</li> <li>• Added monetary currency used.</li> <li>• Added limitation of statutory claims.</li> <li>• Added conditions and definitions of compassionate and compelling circumstances.</li> </ul>	James Rayne Effective as of 29 Apr 2024 post validation by Student Support Manager