

## Purpose

To ensure that Central Australian College enables students to withdraw, defer, temporarily suspend or cancel their studies, including granting a leave of absence, during the course through formal agreement in certain limited circumstances.

## Scope

This policy applies to all the local students enrolled at CAC under VET Student Loan Scheme and Government Subsidised Training under the Skills First Contract. This policy is directly managed and implemented by the Student Administration. The RTO Operations Manager is responsible to overlook and ensure the smooth functioning of the procedures outlined under the policy.

## Relevant standards, acts and legislations

This statement enables Central Australian College to comply with the regulatory requirement outlined in the VET Students Loans Act 2016; VET Student Loan Rules 2016 and VET Student Loans (VSL Tuition Protection Levy) Act 2020, Standard Skills First Funding Contract.

Term	Definition
Census Date	The day the student incurs financial liability for the unit of study. Students may cancel their enrolment on or before the census day without incurring tuition fees (or a HELP or VSL debt) for the course or the part of the course

## Policy

1. Central Australian College must report a Skills First Student's withdrawal from a course or subject in accordance with the requirements of the Victorian VET Student Statistical Collection Guidelines as outlined in the Standard Skills First Contract:
  - a) two months after the date of withdrawal; or
  - b) the final data submission date for the data collection year.
2. Central Australian College as an approved Foundation Skills Approved Provider, must collect and submit for each Skills First Student who commences, completes, or withdraws from a Domain A or Domain B Foundation Skills Program, in each calendar year into which the Term extends, data that measures their skill level translated into the Australian Core Skills Framework or equivalent (as determined by the Department) as at the:
  - a) commencement of training; and
  - b) completion of or withdrawal from training.

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3. CAC must retain (and not dispose of) any Records until three years after the Skills First Student to whom the Records relate has completed or withdrawn from the relevant program, they are enrolled in.
4. CAC must in accordance with the VET Student Loans Act 2016 Rules 86 and the associated VET guidelines, document process and procedures for students to withdraw from approved course:
  - a. CAC's processes and procedures must include:
    - i. procedures for a student to withdraw from an approved course, or a part of an approved course; and
    - ii. procedure for a student to enrol in a part of an approved course with the provider in circumstances where the student had earlier withdrawn from a part of the course undertaken with the provider.
  - b. The procedures for a student to withdraw from an approved course, or a part of an approved course, before a census day for the course, or the part of the course, must not involve financial, administrative, or other barriers to the withdrawal.
  - c. If a student withdraws from an approved course, or a part of an approved course, the course provider must not, after the withdrawal, enrol the student in an approved course or a part of an approved course without the written permission of the student (which must be given after the withdrawal).
5. CAC must in accordance with the VET Student Loans Act 2016 Rules 87 and the associated VET guidelines, document process and procedures for cancellation of enrolment:
  - a. processes and procedures must include processes and procedures for the CAC to cancel a student's enrolment in an approved course, or a part of an approved course, after the census day for the course.
  - b. The processes and procedures for cancelling a student's enrolment must:
    - i. require CAC to inform the student concerned of a proposed cancellation; and
    - ii. provide the student with at least 28 days to initiate grievance procedures before the cancellation takes final effect; and
    - iii. provide for the cancellation to take final effect only after any grievance procedures initiated by the student have been completed; and
    - iv. set out the circumstances in which fees for the course, or the part of the course, concerned will, or will not be, refunded.

To achieve the above-mentioned policy statements, the CEO /the RTO Manager shall arrange for:

1. Student withdrawal Government subsidised training – Skills First Contract
2. Student withdrawal VET Student Loans
3. Student Withdrawal Process
4. Student Cancellation Process
5. Student Re-enrolling after course withdrawal

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### 1. Student withdrawal Government subsidised training – Skills First Contract

- a. Domestic Student Withdrawal Form must be completed by the student or by the Skills First Trainer and Assessor on behalf of the student, if requested by the student.
- b. Reasons of withdrawal must be outlined in the withdrawal form.
- c. Upon confirming course withdrawal from the participants, Student Administration Team withdraws the student from the course.

### 2. Student withdrawal VET Student Loans

#### a. Withdrawal from courses

##### i Withdrawal on or Before the Census Date

- a. In the event of a student withdrawing from their VET course of study or VET unit of study on or before the published census date, the student will not incur a VET Student Loan debt for that, or future census debts attached to the course of study from which they are withdrawing.
- b. No administration fee will be charged.
- c. If the student is withdrawing from part of the course, they will need to list the applicable units of study.

##### ii. Withdrawal after the census date

- a. In the event of a student withdrawing from their VET course of study or VET unit of study after the published census date, the student will incur a VET Student Loan debt for the unit of study in which they are enrolled.
- b. Students may be eligible to have their VET Student Loan balance re-credited, however, they must meet the special circumstances criteria. Refer to VET Student Loans Re-crediting Policy and Procedure

### 3. Student Withdrawal Process:

- a. Verbal request for withdrawal from the course or unit of study may not be accepted.
- b. Students who wish to withdraw from their course or unit of study must indicate an intent in writing by completing Domestic Student’s withdrawal form via email to [study@cac.edu.au](mailto:study@cac.edu.au) or sending an email request with the following items:

Course Code

Course Name

Unit of study

Census date – See <https://cac.edu.au/fee-payment-options/#tab-a7914152daacc96907f>

Date of withdrawal

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b. All withdrawal requests are actioned by the Student Administration Team and the date of the initial request is documented in the Student Contact Log. If necessary, students are contacted to discuss their withdrawal request and possible options moving forward.

c. Students are required to complete the withdrawal form as soon as possible to ensure their withdrawal request is processed.

d. Once the withdrawal is confirmed, Student Administration will process the request accordingly:

i. Where a Skills First Student withdraws from a unit of study, the Hours Attended in the unit must be reported. It must be supplemented by evidence of participation such as attendance roll.

ii. Where a student enrolled under VET Student Loans Schemes withdraws Student administration must note whether the withdrawal was after or prior to the census date.

a. If students' withdrawal is prior to the census date, student does not incur any VET Student Loan. No administrative charges applied for processing withdrawal.

b. If students' withdrawal is after the census date, student may incur VET Student Loan for the applicable unit of study in which they are enrolled.

c. Special Circumstances: Re-crediting

Students may need to withdraw from their studies after the census date or may be unable to complete their studies due to certain circumstances. In such circumstances, students may apply to have their VET Student Loan remitted. Where CAC finds that special circumstances apply, the student's loan balance will be re-credited with an equal amount to the amount of VET Student Loan that the student has received for their VET unit/s of study. If a student's VET Student Loan balance is re-credited, any assistance they acquired for the VET unit/s of study will also be remitted. For more information refer Special Circumstance: Appealing a decision in Appendix I.

#### 4. Student Cancellation Process:

In the instance where CAC intends to cancel students' enrolment after the census date, students will be advised in writing and given 28 days to lodge an appeal under complaints and appeals procedure.

CAC can cancel a student's enrolment on the grounds of misbehaviour. This misbehaviour may include but is not limited to acts of discrimination, sexual harassment, vilification, or bullying, as well as acts of cheating or plagiarism. Such acts of misbehaviour will be classified into one of two categories:

##### a. Academic Misconduct

The following gives an indication to the types of behaviour that constitute 'Academic Misconduct' within CAC:

- Assessment breaches such as:
  - Students must not copy or paraphrase any document, audio-visual material, computer-based material or artistic piece from another source except in accordance with the conventions of the field of study

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- Students must not use another person’s concepts, results or conclusions and pass them off as their own
- In cases where the assessment task is intended to be individual work not group work, students must not prepare an assignment collaboratively and then submit work that is substantially the same as another student’s assessment.
- Students must not ask another person to produce an assessable item for them.
- A student is not considering any attempts to support their progress
- Contact with the student has been lost
- Students, who have commenced the course but have not participated for 4 weeks of classroom and have been uncontactable, will be withdrawn from the course.

b. General Misconduct

Students may also have their enrolment suspended due to misbehaviour which can also be grounds for cancellation of studies.

General misconduct is where a student: acts dishonestly; harasses other students or staff; interferes with students or staff; prevents or disrupts learning; disobeys/fails to comply with contractual or legal requirements; misuses, damages or steals an RTO’s property or the property of others; alters/defaces CAC documents or records; prejudices the good name of CAC, or otherwise acts in an improper manner.

The following examples indicate the kinds of behaviour which constitute student misconduct. They are for illustrative purposes and are not intended to be exhaustive. Student misconduct occurs when a student:

- i. contravenes any rules or acts;
- ii. prejudices the good name or reputation of CAC;
- iii. prejudices the good order and governance of CAC or interferes with the freedom of other people to pursue their studies, carry out their functions or participate in the life of CAC;
- iv. fails to comply with conditions agreed in the contract;
- v. wilfully disobeys or disregards any lawful order or direction from CAC personnel;
- vi. refuses to identify him or herself when lawfully asked to do so by an officer of CAC;
- vii. fails to comply with any penalty imposed for breach of discipline;
- viii. misbehaves in a class, meeting or other activity under the control or supervision of CAC, or on CAC premises or other premises to which the student has access as a student of CAC;
- ix. obstructs any member of staff in the performance of their duties;
- x. acts dishonestly in relation to admission to CAC;
- xi. knowingly makes any false or misleading representation about things that concern the student as a student of CAC or breaches any of CAC rules;
- xii. alters any documents or records;
- xiii. harasses or intimidates another student, a member of staff, a visitor to CAC, or any other person while the student is engaged in study or other activity as a CAC student, because of race, ethnic or national origin, sex, marital status, sexual preference, disability, age, political conviction, religious belief or for any other reason;

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- xiv. breaches any confidence of CAC;
- xv. misuses any facility in a manner which is illegal or which is or will be detrimental to the rights or property of others. This includes the misuse, in any way, of any computing or communications equipment or capacity to which the student has access at or away from CAC premises while acting as an CAC student, in a manner which is illegal or which is or will be detrimental to the rights or property of others;
- xvi. steals, destroys or damages a facility or property of CAC or for which CAC is responsible; or is guilty of any improper conduct.

c. Procedure for addressing Student misconduct

i. Where a student has been identified of Academic or General Misconduct the RTO Operations Manager shall be informed and will decide on the penalty and the severity of the penalty. The RTO Operations Manager may consider the type of misconduct that has occurred and the level of misconduct that occurred when deciding penalties.

ii. Where a student has been identified with Academic or General Misconduct CAC shall ensure the following:

- Students must be treated fairly, with dignity and with due regard to their privacy
- Students are to be regarded as innocent of the alleged misconduct until they have either admitted to it or been found by proper inquiry by the Training Manager/Coordinator to have so behaved.
- Past misconduct is not evidence that a student has behaved in the same manner again.
- Each case is dealt on its own merits and according to its own circumstances with the provision that the first instance of misconduct will be penalised more leniently than subsequent instances of misconduct.

iii. Students are able to access the ‘Complaints & Appeals Policy and Procedure’ to reference if they feel that the decision is unfair, or they have other grounds to appeal the decision.

iv. The penalties the RTO Operations Manager can impose are:

- Academic Misconduct could include a warning, deemed unsatisfactory in an assessment, deemed NYC in the unit, or suspension of enrolment
- A charge for any costs that the general misconduct may have caused
- Temporary exclusion from CAC in the form of suspending enrolment for a period.

v. Where a student’s enrolment is suspended a letter will be sent to the student indicating them of the suspension and the length of suspension. Students must be informed how to access to ‘Complaints & Appeals Policy and Procedure’ and that they have 28 days to submit any appeal against the decision. Where the misconduct is severe, the RTO Operations Manager may decide to cancel the enrolment (see below).

d. Provider Cancellation Student Misconduct

In some cases, where the student’s misconduct is severe, CAC has the right to cancel the enrolment.

a. Where the Training Manager has decided the misconduct is severe enough for cancellation the

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following must occur:

- i. The student must be informed in person (where possible), and in writing of the decision of CAC to cancel the student's enrolment
  - ii. They must be informed of the fact they have the right to appeal the decision by accessing the relevant procedures and completing this appeal within 28 days of the notification
- b. Where the Training Manager/Coordinator has decided the misconduct is severe enough for cancellation the following must occur:
- i. A 'Recommendation to Cancel Enrolment' form must be completed by the Student Administration and approved by either the CEO or RTO Operations Manager.
  - ii. The cancellation of student's enrolment will take final effect only after any appeals process initiated by the student have been completed.

## 5. Student Re-enrolling after course withdrawal

Students who have previously withdrawn from an approved course or part of an approved course, will be required to authorise their re-enrolment in writing. They will be required to complete a new enrolment application and be subject to the relevant entry requirements.

### Policy Reference

- VSL manual for VET Providers
- VSL ACT 2016
- VSL Rules 2016
- Standard Skills First Contract

### Relevant Policies and Procedures

- Complaints and Appeals Policy and Procedure
- VSL Students Fees Recrediting Policy and Procedure
- Governance Policy and Procedure

### Relevant Documents and Forms

- Domestic Students Withdrawal Form
- Complaints and Appeals Form

### Appendix I Special Circumstances

The RTO Operations Manager, in conjunction with the CEO, will assess applications for the remittance and/or re-credit of tuition fees due to special circumstances, according to the quality of the independent supporting evidence provided by the student to substantiate their claim. The student will be provided with a decision, in writing, within 28 days of the submission of the application for assessment.

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### Special Circumstances: Appealing a Decision

If a student is not satisfied with the decision made by the RTO Operations Manager in relation to re crediting their VET Student Loans balance, they may request a review of the decision. The review shall be carried out by a Review Officer who is the senior manager to the original decision maker.

#### Reviewable decisions:

Certain decisions in the Act are “reviewable decisions”. This means an affected person may request the decision maker to review the decision and apply to the Administrative Appeals Tribunal (AAT) for a review of the reconsidered decision.

#### Provider decisions regarding re-crediting a student’s HELP balance

A decision by CAC not to re-credit a person’s HELP balance is reviewable [Act s 74].

A review of a decision may be requested by the person affected by the original decision [Act s 76], or without a request if CAC is satisfied there is sufficient reason to do so [Act s 77].

CAC must appoint a review officer to reconsider reviewable decisions made by RTO Operations Manager – that is, a decision made under section 68 not to re-credit a person’s HELP balance (for special circumstances).

The review officer must be appointed by the chief executive officer or a delegate of the chief executive officer.

A review officer must not review a decision they were involved in making and must occupy a position that is not lower than that occupied by the person who made the original decision [Act s 79].

Each application should be examined and determined on its merits. You should consider the person’s claims, together with any independent supporting documentary evidence that substantiates these claims.

Any such request must be submitted to the Review Officer in writing and:

- i. must be lodged within 28 days of receiving notice of the original decision, unless the Review Officer allows a longer period;
- ii. must specify the reasons for making the request and include any supporting documentation.

To initiate the process please contact [admin@cac.edu.au](mailto:admin@cac.edu.au)

#### Review by review officer

The review officer must reconsider the decision and either [Act s 76(4)]:

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- confirm the decision
- vary the decision or
- set the decision aside and substitute a new decision.

The review officer must provide written notice of the decision and provide a statement of the reasons for making the decision [Act s 76(5) and (6)]. The review officer must advise, in the notice, of the person's right to appeal to the AAT for a review of the reviewer's decision if the person is unsatisfied with the outcome [Administrative Appeals Tribunal Act 1975 s 27A].

If the reviewer does not give the person a notice of the decision within 45 days after receiving the person's request, it is taken that the reviewer has confirmed the original decision [Act s 76(8)].

Where a student is unsatisfied with the reviewed decision they may lodge an appeal with the Administrative Appeals Tribunal (AAT) within 28 days from this written notice from the Review Officer.

The contact details for the AAT are:

Administrative Appeals Tribunal

Level 4

15 William St

Melbourne VIC 3000

Telephone 1800 228 333

Reporting the remission decision to the department

Where a decision results in the re-crediting of a person's HELP balance, CAC will be notified and must report this outcome via submission of a TCSI revisions file. CAC is required to repay to the Commonwealth any amounts of the VSL CAC received from the Commonwealth on the person's behalf through subsequent reconciliations, unless we decide to issue a separate invoice [Act, s 22].

Treatment of students seeking a review

Your processes and procedures must ensure a student is not victimised or discriminated against for:

- seeking a review or reconsideration of a decision
- using the provider grievance processes or procedures or
- making an application for re-crediting the student's HELP balance [Rules s 90].

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