

Australian Airline Pilot Academy Pty Ltd  
ABN: 79 128 392 469  
RTO Provider Number: 91646  
CRICOS Provider Number: 03181K  
Address: Don Kendell Drive,  
Wagga Wagga Airport, Forest Hill NSW 2651  
Postal: PO Box 91, Forest Hill NSW 2651  
Email: [rt@aapa.net.au](mailto:rt@aapa.net.au)  
Tele: +61 2 6926 7400



# **DEFERMENT, SUSPENSION, CANCELLATION POLICY AND PROCEDURE**

## 1.0 Purpose

- 1.1 This policy applies to international students only and has been developed in accordance with Standard 13 of the National Code of Practice for Providers of Education and Training to Overseas Students 2018.
- 1.2 Australian Airline Pilot Academy Pty Ltd enables students to defer or temporarily suspend or cancel their studies, including granting a leave of absence, during the course through formal agreement in certain limited circumstances. This policy also details the circumstances where a student's enrolment may be deferred, suspended or cancelled by AAPA. This policy guides staff through the procedures to administer when dealing with deferral, suspension, cancellation of student enrolment.
- 1.3 This policy must be provided to prospective students prior to enrolment.
- 1.4 A copy of this policy is located on [www.aapa.net.au](http://www.aapa.net.au).

## 2.0 Definitions

**'Cancel enrolment'** means to cancel the student's enrolment.

**'Compassionate or compelling circumstances'** are reasons why a student's enrolment status may be changed. These are generally those situations beyond the control of the student. The following are examples of compassionate or compelling circumstances:

- Unavailability of units in the enrolled course
- Inability to commence study on commencement date due to student visa delay
- Serious illness or injury, (a medical certificate must be provided stating that student is unable to attend class)
- Bereavement of close family members such as parents, grandparents, brother, sister, (a death certificate must be provided)
- A traumatic experience such as witnessing a serious accident or witnessing or being victim of a serious crime (police report must be provided)
- A major political upheaval in the students home country which requires emergency travel that will effect student studies

Deferment, Suspension, Cancellation Policy and Procedure

- A natural disaster in the students home country which requires emergency travel that will effect student studies

***'Defer studies'*** means to defer commencement of studies

**DESE** means Department of Education, Skills and Employment

**DHA** means Department of Home Affairs

***'eCoE'*** means Confirmation of Enrolment which is a document, provided electronically, issued by the registered provider to intending overseas students and which must accompany their application for a student visa. It confirms the overseas student's eligibility to enrol in the particular course of the registered provider.

***'Extenuating circumstances'*** means circumstances relating to the welfare of the student which may include, but are not limited to the following, the student:

- threats of violence against staff or students or others
- sexual assault against staff or students or others
- being under the influence of drugs or alcohol to the point which creates an unsafe environment for staff or students or others and oneself
- refuses to maintain approved care arrangements (only for students under 18 years of age)
- is missing
- is deceased
- 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
- other actions deemed unsuitable by AAPA Executive Chairman.

***'Misbehavior'*** means circumstances relating to the actions of the student which may include, but are not limited to the following; these are grounds for suspension or cancellation of enrolment:

- violence against staff or students or others
- psychological issues with student which lead us to fear for safety of student and staff

## Deferment, Suspension, Cancellation Policy and Procedure

- sexual harassment against staff or students or others
- racial discrimination, vilification or bullying
- intimidating staff or students or others
- defaming our college or staff or students or others
- criminal actions or is a risk of committing a criminal offence
- bringing our college into disrepute
- cheating
- plagiarism
- refusing to work in a safe, clean, orderly manner
- being under the influence of drugs or alcohol to the point which creates an unsafe environment for staff or students or others and oneself
- smoking on college property
- failure to pay fees when due
- student did not re-enrol (student has inactively advised they will not be continuing studies)
- failure to maintain appropriate class attendance levels
- failure to maintain appropriate course progress levels
- other actions deemed unsuitable by AAPA Executive Chairman

**'PRISMS'** means the Provider Registration and International Student Management System, which AAPA uses to notify the Department of Education, Skills and Employment (DESE) of changes (when a student's enrolment is deferred, suspended or cancelled) to a student's enrolment.

**'Suspend studies'** means to suspend studies, this may be requested by a student for compassionate or compelling circumstances. We, the provider may also choose to temporarily suspend a student's enrolment if we deem the student's behaviour to be unacceptable for an educational setting.

**'TPS'** means the Tuition Protection Service

### 3.0 General Information

## Deferment, Suspension, Cancellation Policy and Procedure

3.1 This policy details the procedure for handling requests from students and/or intention of AAPA to defer, suspend or cancel student's studies. There are three main categories including, student request for deferral and / or suspension of studies, student request for cancellation of enrolment and AAPA's intention to defer, suspend or cancel enrolment.

### 3.2 Attendance monitoring

Regardless of whether the suspension of enrolment is the result of a student request for suspension or provider-imposed suspension of enrolment due to misbehaviour, the period of suspension of enrolment (as entered in PRISMS) should not be included in attendance monitoring calculations.

### 3.3 Student visa

Deferment, suspension or cancellation of enrolment may affect the students Visa. As such, we will refer the student to the Department of Home Affairs (DHA) website or helpline (131 881) for information, and the local DHA office for advice, on how the potential change to enrolment status may impact upon his or her visa.

### 3.4 Responsibilities

AAPA Management Committee is responsible for this process.

### 3.5 Letter of offer not accepted

If the student has not accepted the offer of enrolment, Standard 13 does not apply.

## 4.0 Procedure

### 4.1 Prior to enrolment

Prospective students (prior to enrolment) will be informed of the grounds on which their enrolment may be deferred, suspended or cancelled and also their rights and grounds for appeal regarding this policy. A copy of this policy will be provided to all prospective students.

### 4.2 Deferment, suspension, cancellation application process

Students must complete the Deferment, suspension, cancellation application form (F.88). In this form they will detail reasons for application and provide supporting evidence to substantiate claim. Once the application is completed it must be submitted to [rto@aapa.net.au](mailto:rto@aapa.net.au), a formal response will be provided within **5 business days** from one of the AAPA MC members.

Deferment, Suspension, Cancellation Policy and Procedure

4.3 Student requests for deferment and / or suspension of studies

4.3.1 Where a student has applied to us for deferment or suspension of their studies due to compassionate or compelling circumstances, we will in accordance with our policy assess the circumstances and grant or decline the student's request.

4.3.2 Australian Airline Pilot Academy Pty Ltd will only defer or temporarily suspend the enrolment of the student on the grounds of compassionate or compelling circumstances.

The following is a list of acceptable circumstances (not exhaustive) where we would approve application:

- serious illness or injury, where a medical certificate states that the student was unable to attend classes
- bereavement of close family members such as parents or grandparents (Where possible a death certificate should be provided)
- major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the student's studies; or
- a traumatic experience which could include:
  - ❖ involvement in, or witnessing of a serious accident; or
  - ❖ witnessing or being the victim of a serious crime, and this has impacted on the student (these cases should be supported by police or psychologists' reports)
- where the registered provider was unable to offer a pre-requisite unit; or
- inability to begin studying on the course commencement date due to delay in receiving a student visa.

4.3.3 Documented evidence is required together the application form where students request to defer or suspend their studies for compelling or compassionate circumstances.

4.3.4 AAPA MC will convene a meeting with the student to discuss the application after full documents are received with the application form. Documented evidence must

be provided by student to validate the claim. A formal response will be provided within **5 business days**.

4.3.5 Should AAPA reject the application, the student will receive a refusal letter and have the right to access our internal complaints and appeals process within **20 working days** of date on refusal letter.

4.3.6 In the case that a student's enrolment is deferred, suspended or cancelled we will notify Department of Education via PRISMS of the change in enrolment within 31 days.

#### 4.4 Student requests for cancellation of enrolment

4.4.1 Students who request cancelling their enrolment to go to another college must follow the Student Transfer Policy and Procedure (PP.27) and complete the appropriate documentation.

4.4.2 Students cancelling enrolment to return to their home country must complete Deferment, Suspension, Cancellation application form and supply supporting evidence such as airline ticket and departure date.

4.4.3 Student will be notified that cancellation of enrolment may affect the student's visa.

4.4.4. AAPA will notify Department of Education via PRISMS of changes to a student's enrolment within **31 days** of duly received, signed and dated documents provided by student.

4.4.5 Should AAPA reject the cancellation application, the student will receive a refusal letter and have the right to access our internal complaints and appeals process within **20 working days** of date on refusal letter.

4.4.6 Fees will be refunded (if applicable) in accordance with our Fees, Charges and Refund Policy.

#### 4.5 Provider initiates suspension or cancellation of student's enrolment

There are two circumstances that AAPA initiates suspension or cancellation of a student's enrolment:

- Misbehaviour

Misbehaviour by the student may result in the suspension or in the worst case scenario the cancellation of enrolment. AAPA may suspend further study or cancel enrolment for both academic and non-academic misconduct.

Deferment, Suspension, Cancellation Policy and Procedure

- non-payment of fees

Students must pay the course fees according to their Letter of Offer and the payment schedule once the course commences. AAPA may cancel a student's enrolment due to the non-payment of fees.

4.5.1 If we, the provider initiate the suspension or cancellation of a student's enrolment, we will formally notify the student of our intention and allow the student **20 working days** to access the AAPA's internal complaints and appeals process.

4.5.2 The severity of the individual case will decide whether the enrolment should be suspended or cancelled. Refer to '*definitions*' regarding grounds for cancellation of enrolment.

4.5.3 In cases of student misbehaviour of a criminal nature: the provider will inform the police of any suspected or alleged criminal activity. And to assist DHA , the provider will give as much information as possible regarding any criminal activity when it suspends or cancels the enrolment of the student. DIBP officers will then initiate any visa related action as required.

4.6 Procedural fairness

In the case where a student has been regarded as misbehaving, until all due investigation is completed the student must be treated as innocent until they have admitted liability or via other evidence such as bona fide witnesses.

4.7 Provider's grounds for deferment of commencement studies

This may be granted on the grounds of compassionate or compelling circumstances as stated in 4.3.2.

4.8 Recording a Deferment, Suspension or Cancellation - eCoE Outcomes

There are three different outcomes for the student's Confirmation of Enrolment:

4.8.1 AAPA notifies Department of Education through PRISMS that it is **deferring or suspending** a student's enrolment for a period **without affecting the end date of the eCoE**. In this case there is no change to the eCoE or the student's enrolment status on PRISMS ie. the student's eCoE status will still be listed as 'studying'. However, the notice of deferment or suspension will be recorded in PRISMS and sent on to the DHA. . This information will be kept for future reference.

4.8.2 AAPA notifies DESE through PRISMS that it is **deferring or suspending** a student's enrolment for a period which **will affect the end date of the eCoE**. In such

situations, PRISMS will cancel the original eCoE and immediately offer the opportunity to create a new eCoE with a more appropriate end date. If we do not know when the student will return, we'll choose not to create a new eCoE at that point, but to wait until the student has notified us of the intended date of return before creating the new eCoE.

4.8.3 AAPA notifies DESE through PRISMS that it wishes to **permanently cancel (terminate)** the student's enrolment. Once this process is complete, the student's eCoE status will be listed as 'cancelled'.

## **5.0 Appeals on AAPA's decision** (*refer to the Complaints and Appeals Policy*)

5.1 If we initiate suspension or cancellation of a student's enrolment, we will inform the student of our intention to notify DESE of changing the student's enrolment status. We will inform the student that he or she has **20 working days** in which to access our complaints and appeals process. To 'access' the appeals process means to 'initiate' or 'start' the process – there is no expectation that the process must be completed within **20 working days**. However, standard 8.1 requires that the process must commence within **10 days** of the formal lodgement of the complaint or appeal.

5.2 If the student chooses to access our appeals process, we maintain the student's enrolment until the internal appeals process is completed (and has supported our intention to suspend or cancel the student's enrolment). To 'maintain the student's enrolment' means that we do not notify DESE of a change of the student's enrolment status through PRISMS.

5.3 The student may choose to access an external appeals process, but we will not wait for the outcome of an external appeal before notifying DESE of the change to the student's enrolment status.

## **6.0 Processing Timelines**

6.1 Our students are our customers and must be treated as such. Complaints and appeals are regarded a priority for analysis and actioning and so AAPA MC will investigate the formal application within timelines stated above.

6.2 There are a number of situations where the student may receive a 'Letter of Intent' to report to DESE via PRISMS. This may be related to: breaches of course progress requirements (section 19 ESOS Act) or breaches of attendance requirements (section 19 ESOS Act) or for deferral, or for suspension or cancelling a student enrolment.

## 7.0 Decision

- 7.1 Decisions will be documented in the complaints and appeals application form including the outcome, details and reasons for the decision. The decision document and complaints outcome letter will be passed to the student in written format. If the decision was to dismiss the complaint, a copy of the external appeals application form will be attached to the letter.
- 7.2 If the student is not happy with the decision they may choose to access the external appeals process at little or no cost.
- 7.3 If the decision requires corrective actioning, this will be documented and assigned completion date with responsibility.
- 7.4 RTO Manager has the responsibility of ensuring that actions are completed by set timelines.
- 7.5 A decision will be made to affirm and remit registered providers decision.
- 7.5.1 If the decision by the external appeals adjudicator is to affirm the registered provider's decision, then AAPA will upon receiving formal documentation of decision take appropriate actions, for example issuing a Section 20 Notice in case of breaches of Standard 10 or 11. This will occur within **5 business days** of receiving formal decision.
- 7.5.2 However, if the decision by the external appeals adjudicator is to remit the registered providers decision, then AAPA will upon receiving formal decision then take appropriate actions, for example, document a corrective action, correct the issue and provide outcome to student in writing and refund student the cost of appeal process.

## 8.0 Enrolment Status

- 8.1 AAPA will maintain the enrolment of the student until the complaints and appeals process is completed. This means that we will not notify DESE of any change to the student's enrolment status via PRISMS.
- 8.2 However, in the case of external appeal the continuance of enrolment during this process will depend on the type of appeal.
- For example:

## Deferment, Suspension, Cancellation Policy and Procedure

In the case of unsatisfactory attendance or course progress and our decision to report student, the student's enrolment will be maintained until the external complaints process is complete and the decision of provider has been upheld. At this point in time the student will be reported as per Standard 10 or 11.

In the case of unsatisfactory attendance or course progress, we allow only one (1) external appeal process before we report student – this is to remove the issue of when a student may wish to apply multiple external appeals processes which would stonewall the process.

In the case of an appeal against the providers decision to defer or suspend a student's enrolment due to misbehaviour or to cancel the students enrolment, the provider only needs to wait until the internal appeals process has been completed (this must be in favour of provider) at this point in time the provider will notify DESE via PRISMS of the change to students enrolment.

### **Note:**

This policy does not require that we continue to offer learning to students throughout the complaints or appeal process.

For example:

The student has continually misbehaved in class and so AAPA MC has decided to prohibit (excludes) the student from attending class.

AAPA may still provide the student work to be completed away from class (so that student does not fall too far behind) until the decision on complaint or appeal has been made.

## **9.0 Records of Complaints & Appeals and Decisions**

- 9.1 Records of complaints and appeals and decisions are located in the complaints and appeals register and a reference in the students file, this also includes records of person to person delivery signed by the student.
- 9.2 The availability of this complaints and appeals process, does not remove the right of the student to take action under Australia's consumer protection laws.

## **10.0 Responsibilities & Action**

Deferment, Suspension, Cancellation Policy and Procedure

- 10.1 AAPA MC members is responsible for reviewing complaints, convene meetings with students, making a decision on complaint and document outcomes on students file, complaints and appeals application form and complaints and appeals register.
- 10.2 All documentation regarding deferral, suspension or cancellation of student enrolment will be kept on the students file.
- 10.3 Department of Education will be updated via PRISMS regarding approved student deferrals, suspension or cancellations.

**11.0 Associated documents:**

- F.82 – Complaints and Appeals Application
- F.83 – Complaints and Appeals Register
- F.88 – Defer Suspension Cancellation Application

**12.0 Associated standards**

Refer to: [ESOS Act 2000 Section 21, National Code 2018 Standard 9]

Responsibility: AAPA Management Committee

Approved by: AAPA Executive Chairman

**Amendments:**

<b>Date</b>	<b>Version number</b>	<b>Description of amendment</b>	<b>Authorised officer making amendment</b>
01/04/2015	1.0	New policy	RTO Manager
17/02/2016	1.1	Policy to include more detailed information	RTO Manager
23/10/2019	1.2	Update National Code	RTO Manager
01/08/20	1.3	Update on DESE and DHA	RTO Manager