

Special Circumstances Refund Policy and Procedure		
Code: E2.12	Area: Non-Academic E	
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#### VERSION HISTORY

Version	Authorised by	Approval Date	Details
1.0	Executive Management Group	21 Feb 2013	Document creation
1.1	Executive Management Group	17 Mar 2016	Updated for the new VET courses
1.2	Executive Management Group	8 May 2017	Updated to be in line with VET Student Loans legislation
2.0	Executive Management Group	14 Jan 2020	Comprehensive review and update

#### PURPOSE AND SCOPE

The aim of this policy is:

- Outline the procedure for providing a refund of upfront tuition fees, a remission (removal) of a FEE-HELP or VET Student Loan debt or a re-credit of FEE-HELP or VET Student Loan balance due to special circumstances.

This policy applies to all students of the Sydney Institute of Traditional Chinese Medicine (SITCM).

## 1 OVERVIEW

SITCM offers a Higher Education course for which eligible students may apply for a FEE-HELP loan, and VET courses for which eligible students may apply for VET Student Loans. Together, these loans may be referred to as HELP loans. This policy determines how an eligible student enrolled in a unit of one of these courses may apply for and receive a refund for the loan amount of that unit.

This policy is informed by applicable laws, in particular the *Higher Education Support Act 2003 (HESA)*, the *Higher Education Provider Guidelines 2012*, the *Higher Education Support (VET) Guideline 2015*, the *VET Student Loans Act 2016* and the *VET Student Loans Rules 2016*.

## 2 POLICY

### 2.1 GENERAL INFORMATION

- 1) For the purposes of this policy a student is an Australian citizen, a New Zealand Special Category Visa (NZ SCV) holder who meets the long-term residency requirements, or an Australian resident permanent humanitarian visa holder:
  - a. Enrolled in a higher education course with SITCM; or

- b. Enrolled in a VET unit of study which forms part of a VET Student Loans enabled course with SITCM.
- 2) For the purposes of this policy a unit of study includes:
  - a. A unit of study which forms part of a higher education course; and
  - b. A VET module which forms part of a VET Student Loan enabled course.
- 3) SITCM will:
  - a. Set a census date for each unit of study that is no earlier than 20% of the way through the unit of study;
  - b. Ensure that all students are informed of the census date for each unit of study in the manner and by the date prescribed in the Higher Education Provider Guidelines 2012 and Higher Education Support (VET) Guideline 2015;
  - c. Ensure that all students are informed of the review procedures for the re-crediting of a HELP balance.
- 4) This policy only applies where students withdraw from a unit after the relevant census date.
- 5) Students cannot apply for a re-credit, remission or a refund if they have successfully completed the unit.

## 2.2 APPLICATION PERIOD

- 1) Students must apply within 12 months of withdrawing from the unit or, in the event that they did not withdraw, within 12 months of the end of the semester or term (whichever is applicable) in which the unit was undertaken.
- 2) Applications submitted outside the 12-month timeframe will not be considered unless the student can clearly demonstrate that it was not possible for them to submit their application within the 12-month period.
  - a. Additional supporting documents will be required.
- 3) Where SITCM has permitted the student to defer completion of their studies regarding a unit, or part of a unit, the 12-month application period applies from the end of the extended period of the unit.

## 2.3 SPECIAL CIRCUMSTANCES

- 1) A student may apply to have their HELP balance re-credited for a unit of study if, due to special circumstances, the student:
  - b. Withdraws from the unit of study after the census date for that unit of study; or
  - c. Has been unable to successfully complete a unit of study.
- 2) SITCM will re-credit the student's HELP balance if satisfied that special circumstances:
  - a. Were beyond the student's control; and
  - b. Did not make their full impact on the student until on or after the census date for the unit(s) of study; and
  - c. Were such that it made it impracticable for the student to complete the requirements for the unit in the period during which the student undertook or was to undertake the unit.
- 3) Students do not need to demonstrate they were unable to withdraw from the unit prior to the census date.
- 4) Special circumstances do not include a lack of knowledge of the *Higher Education Support Act 2003* (HESA), understanding of SITCM's enrolment procedures or an incapacity to repay a HELP debt.
- 5) SITCM will be satisfied that a student's circumstances are beyond the student's control if a situation occurs that a reasonable person would consider is not due to the

- person's action or inaction, either direct or indirect, and for which the student is not responsible.
- a. The situation must be unusual, uncommon or abnormal.
- 6) Circumstances do not make their full impact on a student until on or after the census date if the circumstances occur:
    - a. Before the census date but worsen after that day;
    - b. Before the census date but the full effect does not become apparent until the census date; or
    - c. Only after the census date.
  - 7) In determining whether circumstances are special circumstances because they made it impracticable for the student to complete the requirements of the unit in the period during which the student undertook or was to undertake the unit, SITCM:
    - a. Will have regard to the following:
      - i. Whether the student could do enough private study/attending training sessions and other activities to meet course requirements;
      - ii. Whether the student could complete any assessments, or demonstrate any competencies, required; and
      - iii. Whether the student could complete any other requirements arising because of the student's inability to do things described in (i) and (ii).
    - b. May have regard to one or more of the following:
      - i. Medical circumstances of the student;
      - ii. Circumstances that relate to the student personally or to the student's family;
      - iii. Circumstances relating to the student's employment; and/or
      - iv. Course-related circumstances.
  - 8) Each application will be examined and determined on its merits by considering a student's claim together with independent supporting documentation substantiating the claim.
  - 9) There is no charge for initial applications or review of decisions, other than review by the Administrative Appeals Tribunal (AAT) (see Section 2.6).
  - 10) Initial applications for the re-crediting of a student's HELP balance are to be made to the Student Support Officer by either emailing a completed *Fee Remission (Special Circumstances) Application* (which is available from the SITCM office, website and Moodle) to [adminstration@sitcm.edu.au](mailto:adminstration@sitcm.edu.au) or mailing it to: Sydney Institute of Traditional Chinese Medicine, PO Box K623, Haymarket, NSW 2000.

## 2.4 SUPPORTING DOCUMENTATION

Applications will be considered primarily on these supporting documents.

- 1) For medical reasons, a letter/statement from the student's medical practitioner which indicates:
  - a. The date their condition began and/or changed;
  - b. How the condition affected their ability to study; and
  - c. When (the date) it became apparent that the student could not continue with their studies.
- 2) For family/personal reasons, a statement from the student's doctor, counsellor or independent member of the community (Justice of the Peace or Minister of Religion) stating:
  - a. The date their personal circumstances began and/or changed;
  - b. How their circumstances affected their ability to study; and
  - c. The date it became apparent that the student could not continue with their studies.

- 3) For employment related circumstances, a letter from the student's employer which states:
  - a. The student's previous work hours and location;
  - b. Their current work hours and location;
  - c. The reason for the change;
  - d. When the change was effective from; and
  - e. When it was communicated to the student.
- 4) Students who do not have these documents ready by the application deadline should still submit their application.
  - a. Students have 28 calendar days to provide supporting documents.
  - b. After 28 days SITCM will consider the application on the basis of the information already provided by the student.
- 5) Students are required to provide originals or certified copies of all documents.

## 2.5 INTERNAL REVIEW OF A DECISION

- 1) If a student is not satisfied with the decision made by the Student Support Officer in relation to a refund, remission or re-credit, they may request a review of the decision. There is no charge for a review of the decision.
- 2) The review shall be carried out by the Registrar.
- 3) Any such request must be submitted to the Registrar in writing and must:
  - a. Be lodged within 12 months after the census date for the unit, unless the Registrar allows a longer period;
  - b. Specify the reasons for making the request and include supporting documentation listed in section 2.4; and
  - c. Be either emailed to [administration@sitcm.edu.au](mailto:administration@sitcm.edu.au) or mailed to: Sydney Institute of Traditional Chinese Medicine, PO Box K623, Haymarket, NSW 2000.
- 4) The Registrar will acknowledge receipt of an application for a review of the original decision in writing.
- 5) The Registrar will:
  - a. Seek all relevant information from the person who made the original decision; and
  - b. Review the case within 3 weeks and advise the student of the decision in writing giving the reasons for the reviewer's decision.
- 6) The Registrar may:
  - a. Confirm the decision;
  - b. Vary the decision; or
  - c. Set the decision aside and substitute a new decision.
- 7) The Registrar will give written notice of the decision setting out the reasons for the decision, and will be advised in the decision of the right to apply to the AAT within 12 months after the census date for the unit of study, and will be provided with the contact details of the closest AAT Registry and the approximate costs of lodging an appeal.

## 2.6 EXTERNAL REVIEW OF A DECISION

- 1) If the case involves a FEE HELP loan or a VET Student Loan, an applicant may appeal a Registrar decision to the AAT.
- 2) The applicant may supply additional information to the AAT which they did not previously supply to SITCM either in the original application or the request for review.
- 3) The Secretary of the Department of Education and Training, or the Secretary's delegate, will be the respondent for cases that are brought before the AAT.

- 4) When SITCM is notified that an appeal has been lodged, the Registrar will provide the Secretary with copies of all the documents they hold that are relevant to the appeal within five (5) business days.

### **2.7 RE-CREDITING A HELP BALANCE DUE TO UNACCEPTABLE PROVIDER CONDUCT (VET STUDENT LOANS ONLY)**

- 1) Under section 71 of the *VET Student Loans Act 2016*, a student may apply to the Secretary of the Department of Employment, Skills, Small and Family Business (the Secretary) for their HELP balance to be re-credited because:
  - a. SITCM, or a person acting on SITCM's behalf, has engaged in unacceptable conduct in relation to the student's application for the VET Student Loan; or
  - b. SITCM has failed to comply with the *VET Student Loans Act 2016* or an instrument under the Act and the failure has adversely affected the student.
- 2) Applications for re-crediting must be made within five (5) years after the census date for the unit, or the part of the unit, concerned, or within that period as extended by the Secretary.

### **2.8 RE-CREDITING A HELP BALANCE DUE TO PROVIDER SPECIAL CIRCUMSTANCES (VET STUDENT LOANS ONLY)**

Under Division 2 of the *VET Student Loans Act 2016*, the Secretary may re-credit a student's HELP balance in relation to special circumstances if SITCM:

- a) Is unable to act under Division 2 or is being wound up or has been dissolved; or
- b) Has failed to act under Division 2 and the Secretary is satisfied that the failure is unreasonable.

### **2.9 PUBLICATION**

This *Special Circumstances Refund Policy* will be made available to students by publication on SITCM's website ([www.sitcm.edu.au](http://www.sitcm.edu.au)).

## **3 PROCEDURE**

### **3.1 PROCEDURE FOR REDUNDING, REMITTING OR RE-CREDITING**

- 1) When a student withdraws from a unit after the census date, SITCM will confirm the withdrawal by giving notice to the student in writing stating the date at which the withdrawal has taken effect.
- 2) When a student fails to meet the requirements of a unit of study, SITCM will confirm the failure by giving notice to the student in writing of the final result for that unit of study after results for the unit of study have been properly approved.
- 3) The student must apply in writing to the Student Support Officer within 12 months after the census day for the unit of study. SITCM may exercise its discretion to waive this requirement if in its opinion it was not possible for the application to be made before the end of the 12-month period. The written application must also include supporting documentation that demonstrates that the requirements for special circumstances have been met.
- 4) The Student Support Officer will consider the application and will agree to such requests if they are satisfied that there were special circumstances in the student's case.
- 5) If the application is successful, SITCM will re-credit the student's HELP balance with an amount equal to the amounts of HELP assistance that the student has received for

the affected units and the student's HELP debt for those units will be removed or will refund the tuition fee paid for the affected units

- 6) The Student Support Officer will advise the student of the outcome of the application within 28 days stating the reasons for the decision.
- 7) The Student Support Officer will also advise the student of their rights for a review of the decision if they are not satisfied with its outcome and that a request for such a review must be lodged within 12 months after the census day for the unit or such longer period as the Student Support Officer allows.

### **3.2 PROCEDURE FOR REVIEWS**

- 1) The applicant requests a review of the initial decision within 12 months of census date for the relevant unit.
- 2) The Registrar acknowledges receipt of an application for a review in writing.
- 3) The Registrar reviews the decision.
- 4) The Registrar advises the applicant of the outcome of the review in writing within 3 weeks of the request for review, and notifies the applicant of any right for a review by the AAT.
- 5) If the case involves a FEE HELP loan or a VET Student Loan, the applicant may appeal the review outcome at the AAT.
- 6) Within five (5) business days of being notified of the appeal, the Registrar will provide the Secretary with copies of all relevant documents held.

## **4 RELATED POLICY AND OTHER DOCUMENTATION**

- 1) Higher Education Support Act 2003.
- 2) Higher Education Provider Guidelines 2012.
- 3) Higher Education Support (VET) Guideline 2015.
- 4) VET Student Loans Act 2016.
- 5) VET Student Loans Rules 2016.
- 6) Fee Remission (Special Circumstances) Application.