

# Remission of Financial Liability due to Special Circumstances Policy

**Policy Code:** STU-007

## Purpose

The policy provides the minimum requirements for circumstances under which a student of the College may seek remission of debt or refund of fees under special circumstances, including but not limited to:

- FEE-HELP debt
- Upfront tuition fees.

Cancellation fees are not covered in this policy, rather under the Cancellation and Refund Policy and Procedure and the Special Consideration Policy.

- Scope:**
- All Campuses
  - All Courses, Programs and Departments
  - All students, Domestic and International

## Policy Statement

This policy applies to cases of special circumstances whereby a student for reasons beyond their control is seeking to withdraw from a course or subject after census date without financial liability due to an inability to continue with their studies.

For international students studying on a student visa, this policy encompasses compassionate and compelling circumstances as set out in the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018).

## Special Circumstances

### General Guidelines

The College recognises that there may be times when a student's circumstances may warrant an application for removal of financial liability after census date. If the student is enrolled within a course or subject and withdraws after census date they remain financially liable for the student contribution amount (FEE-HELP) or any upfront tuition fees incurred for that subject. The only exception to this liability is if the student applies for and is successful in having their financial liability removed under this policy.

If a student withdraws from study due to special circumstances they can apply to have their financial liability removed. Removal of financial liability after census date includes having:

- FEE-HELP debt remitted and the balance re-credited
- Upfront tuition fees credited towards a future study period or refunded.

The College must be satisfied that a student's circumstances are beyond their control (i.e. if a situation occurs which a reasonable person would consider is not due to the student's action or inaction, either direct or indirect, and for which the person is not responsible).

## Student Eligibility Requirements – After Census Date

To be eligible for removal of financial liability students **MUST** meet the following criteria:

1. The student was still enrolled in the subject after census date
2. The student did not complete the subject
3. The student applies within 12 months from the date they withdrew from the subject
4. The student is able to demonstrate with supporting documentation that special circumstances are applicable to their case including:
  - The circumstances were beyond their control
  - The circumstances did not make their full impact until on or after census date
  - The circumstances made it impracticable for them to complete the subject/course requirements.

Examples of special circumstances include:

### Medical reasons

For example:

- The student has a medical condition that has developed prior to the last date to withdraw without liability, continued past that date, and deteriorated to the extent that the student is unable to continue their studies.
- A student's medical condition only became known after the last date to withdraw without liability and it was severe enough that the student was unable to continue with their studies. Please note that an **existing** or **ongoing** medical condition prior to commencement is not considered grounds for Special Circumstances as the student is aware that this can impact their academic performance. For existing conditions students should register for the Access and Equity Program through Student Services.
- A student has a medical condition that has increased in severity suddenly, meaning they were unable to attend an assessment, meet attendance requirements or a required clinic session.
- For cancellation fee waiver/refund, any of the examples above would apply after enrolment and before withdrawal date.

Students will need to fill in the Application for Remission of Financial Liability due to Special Circumstances. Applications for medical reasons **must** be supported by certified copies of a medical certificate/statement that substantiates the condition existed on or occurring after census date (enrolment date for cancellation fee waiver) and resulted in significant deterioration to the extent the student was unable to complete the subject/course (note that original documents will not be accepted).

It should be noted that medical practitioners are subject to strict guidelines regarding supply of medical certificates, and these should be reviewed by students prior to seeking medical assistance under this policy.

### **Family / personal reasons**

Reasons for special circumstances under this section include unforeseen personal/family reasons that occur or worsen and that are beyond the student's control, such that they are unable to continue the current study schedule or complete their studies.

For example:

- A member of the student's family suffers from a severe medical condition and, after the last date to withdraw without liability, they are required to provide full-time care (including international students required to return to their home country). As a result they are unable to continue their studies (which is substantiated by supported documentation).
- A member of the student's immediate family or the student's partner dies and they are affected to the extent that, after the last date to withdraw without liability, they realise that they are unable to continue with their studies (which is substantiated by supportive documentation).
- For cancellation fee waiver/refund, any of the examples above would apply after enrolment and before withdrawal date.

Students will need to fill in the Application for Remission of Financial Liability due to Special Circumstances and provide certified copies of appropriate documentary evidence which may include:

- Bereavement notice
- Letter from specialist practitioner on letterhead
- Accident report
- Government documentation confirming Carer's status
- Statutory Declaration.

Family or personal reasons must be supported by certified copies of documents from health care providers/counsellors that substantiate the student's claim (note that original documents will not be accepted).

### **Financial reasons**

For example:

- A significant and unexpected change to financial circumstances or those of a relevant third party who financially supports the student that occurred after census date. This would have to be sufficiently large that it is unreasonable to expect the student to be able to complete their studies.
- For cancellation fee waiver/refund, any of the examples above would apply after enrolment and before withdrawal date.

Students will need to fill in the Application for Remission of Financial Liability due to Special Circumstances and provide certified copies of appropriate documentary evidence which may include a bankruptcy notice.

## Employment related reasons

For example:

The student is employed out of necessity while studying and their employer unexpectedly increases their hours of employment in circumstances where they are unable to object. As a result the student is unable to continue their studies or complete their course requirements.

- The student is employed out of necessity while studying and the employer directs them to be transferred to a different State or remote location (i.e. more than 100km away from a College campus) and there are no online options available for the student to continue their studies. As a result, they are unable to continue with their studies and complete the course requirements.
- For cancellation fee waiver / refund, any of the examples above would apply after enrolment and before withdrawal date.

**Note:** Choosing to increase hours of work or undertake additional employment is **not** regarded as circumstances beyond the student's control.

Students will need to fill in the Application for Remission of Financial Liability due to Special Circumstances and provide a certified statement from their employer to substantiate that after census date (or enrolment date for cancellation fee waiver) the student's employment status changed unexpectedly and as a result the student was unable to complete the subject/course.

## Reasons for Denial of Special Circumstances

Special circumstances applications may not be approved for many reasons; however applications submitted under the following reasons **will not** be approved under any circumstance:

- A student 'changing their mind' about studying at the College and wishing to withdraw;
- a lack of knowledge or understanding of FEE-HELP requirements under the Higher Education scheme including census dates;
- a lack of knowledge of the College's Policies and Procedures regarding census, withdrawal and cancellation fees;
- forgetting you enrolled in a course or subject;
- forgetting to withdraw from a course or subject;
- faulty technology;
- a normal change in work arrangements such as a change of shift or planned holiday;
- any holiday arrangements or social / leisure / personal commitments made by the student within a calendared study period (including overseas travel and school holidays); or
- a person's incapacity to repay a FEE-HELP debt, as repayments are income contingent and the person can apply for a deferral of a compulsory repayment in certain circumstances.

## Applications for Remission of FEE-HELP Debt or Refund of Tuition Fees

Special circumstances for the purposes of a remission of FEE-HELP debt or refund of tuition fees, are defined under the Higher Education Support Act 2003 and related guidelines, with strict requirements related to:

- when the circumstances occurred
- when they affected the student and
- the timeframes in which students can apply for refund/remission of fees.

In order for an application for the remission of FEE-HELP debt or refund of tuition fees to be considered, it **must** meet all three elements of the Special Circumstances test as defined by the Higher Education Support Act 2003. These are:

- that the circumstances were beyond the student's control
- that the circumstances made their full impact on or after census date
- that the circumstances made it impracticable for the student to complete the requirements of the relevant subject.

A remission of FEE-HELP debt or refund of tuition fees does not preclude the application of a cancellation fee. A separate application for a waiver of these fees can be made by the student. Applications for Special Circumstances must reach the College within **12 months** of the relevant census date which is the last date that a student can withdraw without incurring the full tuition fee.

## Submitting an application – All Applications

To submit an application for removal of financial liability the student must complete the Remission of Financial Liability due to Special Circumstances application form and ensure that it is signed and dated.

The student must sign that they have read all eligibility requirements outlined on the application form and attach all certified copies of the originals for supportive documentation (no originals will be accepted). Each application will be determined on its merits.

## Supporting documentation

A student **must** provide certified copies of independent and supportive documentation as part of any application for special circumstances. The documentation **must** clearly indicate the following:

- the level of impact of the special circumstances
- what the special circumstances were
- when they occurred
- how long they lasted; and
- for applications relating to a remission/refund of debt, that the circumstances made their full impact on the student on, or after, the census date (enrolment date for cancellation fees).

## Assessment of Special Circumstances

Applications for consideration of Special Circumstances will be assessed by the Operations Director (or delegate) in conjunction with any relevant College staff, according to the quality of the independent supporting evidence provided by the student, as described above. Assessment of special circumstances will occur in a timely manner that takes the nature of the request into account.

The Operations Director (or delegate) will:

- consider the application primarily on the basis of the application details, supporting documentation and where appropriate consultation with relevant College staff;
- Communicate approval or rejection of the application to the student in writing within the required legislative guidelines and timeframes;
- Provide the student with information on how to appeal any decisions made by the relevant staff in accordance with Higher Education Support Act 2003 guidelines.

The outcomes of decisions related to this policy will be provided to students in writing no later than 30 working days of the submission of the application for assessment of Special Circumstances.

## Appealing a decision

If the student feels that additional information can be provided to support further consideration of the application after receiving the original decision, they may request a decision review within 20 working days of the original decision. If the student wishes to lodge an application for review, they must include a statement of explanation as to why they believe a review is warranted and supply any further evidence to support their case. An outcome of review decision will be provided to students in writing no later than 20 working days of the submission for review of original decision.

If the student continues to be dissatisfied with the outcome after decision review, they may apply to the Administrative Appeals Tribunal (AAT) for a formal Review of Decision. The application must be lodged at the AAT within 28 days of receiving notice of the review decision. The student will be provided with further information about this process at the time they are notified of that decision.

Please note that if a student applies to the AAT for formal review of decision, they may be liable for an application fee.

International students studying on a student visa must consult the Student Complaints and Appeals Policy and Procedure for information about what to do if they wish to appeal a decision.

## Further information

**Definitions:**                      **Census Date** - The date nominated by the College at which a student's fee liability and consumption of Student Learning

Entitlement (SLE) is assessed. The census date is usually four weeks after the start of a nominated teaching period.

**Course/Award** - A recognised certification of achievement of competence which may be granted to a student after completion of all the requirements of a Higher Education course.

**Enrolment Date** – The date the student received confirmation of enrolment into a course at the College.

**FEE-HELP** - A loan scheme to help eligible non-Commonwealth supported students pay their tuition fees (Higher Education).

**Re-Credit** - The process by which a liability for FEE-HELP is reversed, and the Student's Learning Entitlement is restored.

**Refund** - Repayment of tuition/administrative fees that have been paid up front.

**Remission** - Fee or debt remission is a process that assesses your eligibility to be released from paying fees or debts or parts thereof. In each case you need to provide evidence that you are eligible under certain criteria.

**Student** – is an individual person who is formally enrolled to study at the College. The individual person is that who appears on the College's documents such as enrolment, admission and payment documents, and who is assigned an individual student ID.

**Tuition Fee** - A fee paid for the teaching of subjects undertaken in the College. May be paid upfront, via FEE-HELP or before census date on a payment plan.

**Upfront payment** – Payment of all fees for that teaching period prior to the commencement of the teaching period.

<b>Related documents:</b>	To view related documents refer to the College website at: <a href="https://www.martin.edu.au/studying-with-us/policies-procedures-forms">https://www.martin.edu.au/studying-with-us/policies-procedures-forms</a>
<b>Related legislation:</b>	Higher Education Support Act 2003; Tertiary Education Quality and Standards Agency Act 2011, Higher Education Standards Framework (Threshold Standards) 2015, Education Services for Overseas Students Act 2000 (ESOS Act), National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018), Australian Qualifications Framework and associated Commonwealth and State legislation and standards.
<b>Policy owner:</b>	Head of College (or delegate)
<b>Contact:</b>	Head of College (or delegate)
<b>Responsibilities for Implementation:</b>	Operations Director (or delegate), Head of College (or delegate), and all academic and professional staff
<b>Key stakeholders:</b>	Operations Director (or delegate), Head of College (or delegate), all academic and professional staff, and students.

<b>Approval body:</b> <b>Approval date:</b>	Martin Higher Education: Academic Board (East) Date: 14 February 2017
<b>Recent document history:</b>	v13.0 Approval by Academic Board (East) v13.1 Administrative amendment. Scope of policy revised to apply only to Martin College/Martin Higher Education and minor position title and regulatory nomenclature updates. (Effective from 19 November 2018).