

# Student Review Policy and Procedure for Re-Crediting a FEE-HELP Balance

## Policy Purpose

The purpose of this policy is to provide guidelines on the re-credit of FEE-HELP balances for all potential and currently enrolled Think: Colleges domestic students in a higher education course or VET FEE-HELP enabled course.

## Policy Scope

This policy applies to all domestic potential and currently enrolled students in a higher education course or VET FEE-HELP enabled course.

## Definitions

Refer to *Glossary of Terms*.

## Policy Content Domestic Students enrolled in a higher education course or a VET FEE-HELP enabled course

- Students who lodge their *Change/Defer/Withdraw form* on or before the census date for a unit of study will be withdrawn or granted a deferral without penalty from any unit in which they were enrolled. They will not incur a FEE-HELP debt for the unit and any fees paid for the unit will be refunded.
- Students who lodge their *Change/Defer/Withdraw form* from a course or units of study after the census date will incur a FEE-HELP debt for those units and/or remain liable for tuition fees.
- If the student wishes to be considered for a re-credit/refund of his/her FEE-HELP balance and/or exemption from liability for tuition fees based on extenuating circumstances the student must fill in a *Special Circumstances Form* and submit it within 12 months of the date of his/her withdrawal/deferral from those units of study.
- If Think: Colleges cancels a student enrolment based on a course no longer being offered, a course not being offered for a particular term, or other provider default, students will be notified in writing and will be given the option to transfer their enrolment to another course and/or term or request a full refund of their tuition fees. Requests for a full refund of tuition fees will be processed within 20 working days of the provider default unless a request to transfer enrolment to another course or term is received from the student in writing during this period.

## Student Review Procedures for Re-Crediting a FEE-HELP Balance

Think: Colleges has put in place the following procedure for reviewing certain decisions related to the re-crediting of a FEE-HELP balance. The decisions to be reviewed under these procedures relate to requests made by students who have withdrawn from a unit of study after census date or have not successfully completed a unit or units of study because of special circumstances.

In this procedure, review means the 'formal reconsideration of a decision'.

Think: Colleges undertakes the following procedures to ensure that it complies with the fairness requirements in relation to review procedures for FEE-HELP as set out in subdivision 19-D of the *Higher Education Support Act 2003* and the requirements of the Higher Education Provider Guidelines.

1. A student may apply to have their FEE-HELP balance re-credited if the student withdraws from a unit of study after census date, or has been unable to complete the requirements of a unit of study, and believes this is due to special circumstances.
2. In requesting a re-credit of the FEE-HELP balance, a student must provide relevant and appropriate evidence that they were unable to complete the unit of study due to special circumstances as detailed in the *Special Circumstances Form*. Students can obtain the form or further information about special circumstances from the FEE-HELP Officer.

3. A student must apply in writing for re-crediting of their FEE-HELP balance within 12 months from the date of withdrawal from the unit of study or the date of receiving their final results for the unit. Think: Colleges 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.
4. Once a request to re-credit a person's FEE-HELP balance is approved, a student's FEE-HELP debt is removed for the relevant unit/s studied
5. Think: Colleges will refund to the Commonwealth the amount of FEE-HELP paid to the College on behalf of the student, if the student's request is successful.
6. Think: Colleges will notify DEEWR through the HELP Variations File.
7. Think: Colleges has the discretion to disallow an application to re-credit a FEE-HELP balance if it considers the student's request is not based on special circumstances. If it believes there is not sufficient and relevant evidence or if it believes the student's request does not fall within the relevant timeframes for the application and processing of requests for re-crediting of FEE-HELP balances.
8. The FEE-HELP Officer for Think: Colleges will consider the student's application as soon as practicable. Applications will be considered within 15 working days. Applicants will be notified of the decision in writing, within a further 15 working days. (This procedure is further detailed below).

### Special Circumstances for FEE-HELP Students

Think: Colleges will only consider applications for re-crediting a student's FEE-HELP balance where there are special circumstances.

To assist students with making their application and to guide Think: Colleges staff in providing advice to students and processing requests for re-crediting a FEE-HELP balance, the following definitions and guidelines are to be applied in determining special circumstances.

1. Special circumstances which would make it impracticable for the person to complete the requirements for the unit of study may include:
  - medical circumstances;
  - family circumstances;
  - personal circumstances;
  - employment related circumstances;
  - course related circumstances.
2. Special circumstances need to be:
  - beyond a person's control; AND
  - do not make their full impact until on or after the census date for the unit of study in question; AND
  - make it impracticable for a person to complete the requirements for the unit of study.
3. For circumstances to be beyond a person's control, the situation should be that which a reasonable person would consider is not due to the person's action or inaction, either direct or indirect, and for which the person is not responsible.
4. Think: Colleges needs to be satisfied that a person's circumstances did not make their full impact on the person until on or after the census date for a unit of study if the person's circumstances occur:
  - before the census date but worsen after that day; or
  - before the census date, but the full effect of magnitude does not
  - become apparent until on or after that day; or
  - on or after the census date.
5. The situation must be unusual, uncommon or abnormal to be considered special circumstances.

## Responsible Officers

The FEE-HELP Officer of Think: Colleges is responsible for the assessment of a student's request for re-crediting FEE-HELP due to special circumstances and for the initial decision regarding the request.

The Group Academic Director of Think: Colleges is the designated review officer of any decisions relating to the re-crediting of a FEE-HELP balance.

## Procedure

1. A student may apply to have their FEE-HELP balance re-credited if the student has withdrawn from the unit after census date or has been unable to complete the requirements of the unit and believes that this was due to special circumstances. Think: Colleges must consider these applications and must agree to such requests if satisfied that there were special circumstances in the student's case.
  - 4.1 The completed *Change/Defer/Withdraw form* and *Special Circumstances Form* must be sent to the FEE-HELP Officer, Think: Colleges NorthPoint Building 171 Pacific Highway North Sydney 2059.
  - 4.2 The FEE-HELP Officer will acknowledge receipt of the application and inform the student of any likely delays.
  - 4.3 The FEE-HELP Officer will assess each application against the guidelines for determining special circumstances taking into account the explanation and evidence provided by the student and must reach a decision within 15 working days.
  - 4.4 The FEE-HELP Officer will advise the student in writing of a decision within 15 working days of the date of reaching a decision and notify that either the application is approved or disallowed.
2. Where a request to re-credit a student's FEE-HELP balance is granted, the FEE-HELP debt is removed in respect of the affected units of study.
3. Where a request is not approved and the student is not satisfied with the decision made by the FEE-HELP Officer the student may apply for a review of the decision.
4. The FEE-HELP Officer will notify the student in writing of the decision not to approve the request for re-crediting FEE-HELP and provide information on how the student can request a review of the decision by the Group Academic Director, including contact details of the Group Academic Director.
5. Students must lodge the request for review within 28 days of receiving notice of the original decision. It must be made in writing. It must specify reasons for applying for a review and it must be addressed to the Group Academic Director of Think: Colleges
6. The Group Academic Director will acknowledge receipt of an application for review of a reviewable decision in writing and inform the applicant that, if he has not advised the applicant of a decision within 45 days of receiving the application for review, the original decision is taken as confirmed.

The acknowledgement of receipt will also contain information on the student's right to appeal to the Administrative Appeals Tribunal including details of the closest office and the approximate cost as detailed below.

7. Written notice of the outcome of a reviewed decision relating to re-crediting a FEE-HELP balance will be given to the student. The notice will contain reasons for the decision. The notice will also inform the student of their right of appeal to the Administrative Appeals Tribunal (AAT), provide details about the closest Administrative Appeals Tribunal Registry and the approximate costs of lodging an appeal.

Where a student is unsatisfied with the reviewed decision they may apply to the Administrative Appeals Tribunal for consideration of the Group Academic Director's decision to refuse to re-credit their FEE-HELP balance. The student may supply additional information to the Administrative Appeals Tribunal which they did not previously supply to Think: Colleges either in the original application or the request for review.

The full contact details for the AAT must be provided to students:

Administrative Appeals Tribunal  
 Level 7, City Centre Tower  
 55 Market Street  
 Sydney NSW 2000

Postal Address:  
 GPO Box 9955  
 Sydney NSW 2001

Telephone: (02) 9391 2400 (metropolitan area)  
 Telephone: 1300 366 700 (country areas)  
 Facsimile: (02) 9283 4881  
 TTY: 1800 650 662  
 Translating and Interpreter Service: 13 14 50

8. The current cost of applying to the AAT for the review of a decision must also be supplied to the student. As at 1<sup>st</sup> July 2008 this fee is \$682 (GST exempt)
9. Think: Colleges will update this information from the AAT website [www.aat.gov.au](http://www.aat.gov.au) to ensure students receive up to date and correct information.

This policy, and the availability of complaints and appeals processes, does not remove the right of the student to take action under Australia's consumer protection laws.

#### Publication

These procedures are to be published for students on the Think: Colleges website and in the Student Handbook to ensure current and prospective students have up to date and accurate information publicly available to them.

<b>Responsibility</b>	Student Services Manager, Head of College, Chief Financial Officer
<b>Record Management</b>	Student File the Student Records Management System Refund Statement Deferral and Withdrawal Form
<b>Reference</b>	Deferral and Withdrawal Policy Financial Management Policy Non Academic Grievances Policy Glossary of Terms
<b>Policy Developed By</b>	Group Academic Director
<b>Policy Approved By</b>	CEO
<b>Policy Complies with</b>	HESA and AQTF 2007
<b>Version Number</b>	3.0
<b>Revision Date</b>	5 February 2008 Revised July 2008 Revised 24 October 2008 Revised 23 February 2011 Revised 15 February 2012 (header and footer only)