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REMISSION OF DEBT AND RE-CREDITING OF STUDENT LEARNING ENTITLEMENT PROCEDURES


Parent Policy Title	Remission of Debt and Re-crediting of Student Learning Entitlement Policy																												
Associated Procedures	Not applicable																												
Preamble	These procedures provide a fair, equitable and transparent process for assessing eligibility for remission of HECS-HELP and FEE-HELP debts and, where applicable, re-crediting of Student Learning Entitlement (SLE).																												
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1 Application process	<p>Students seeking remission of debt and, where applicable, re-crediting of Student Learning Entitlement (SLE) must submit an application on the prescribed University application form with supporting documentation, to:</p> <p style="text-align: center;">Student Centre Academic Services Division La Trobe University Bundoora VIC 3086</p> <p>The prescribed form may be downloaded from: http://www.latrobe.edu.au/acadserv/current/2005%20Application%20for%20Remission%20of%20Debt%20&%20Recrediting%20of%20SLE.pdf</p> <p>The details for appropriate supporting documentation are in Section 4.</p>																												
2 Advising students of the process	A student who withdraws from a subject after census date may apply, in writing, for a re-credit, remission or refund, whichever is relevant.																												

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<p>3 When can a student apply for a remission / re-credit</p>	<p>A student may apply for a remission of debt and/or re-credit of SLE if the student withdraws from their subject after the census date or has not completed the subject requirements.</p> <p>A student cannot apply for a remission or a re-credit if the subject has been successfully completed.</p>
<p>4 When must the University remit / re-credit</p>	<p>An application is considered by the Manager, Student Financial Services or a nominated officer on the basis of special circumstances that apply to the student that were:</p> <ul style="list-style-type: none"> • beyond the applicant's control; • did not make their full impact on the applicant until on, or after, the census date; and • made it impracticable for the applicant to complete the requirements for the unit in the period during which the applicant undertook, or was to undertake, the unit. <p>See section 5 below for more details.</p> <p>The applicant's statement of the special circumstances must include supporting documentation from an independent source or authority that clearly:</p> <ul style="list-style-type: none"> • identifies the special circumstances; • dates the occurrence of the special circumstances; • states the duration of the special circumstances; and • describes the level of impact of the special circumstances. <p>For example, supporting documentation may include detailed:</p> <ul style="list-style-type: none"> • medical statement from a medical professional (a medical certificate is not sufficient) • statement from a minister of religion • statement from a counsellor • statement from a police officer • statement from an employer regarding significant changes in employment circumstances • copy of death certificate or death notice of a close family member and proof of relationship to the deceased • letter from a lecturer, head of school or relevant University staff familiar with the applicant's circumstances. <p>Each application is examined and determined on its merits. The University considers the applicant's claims, together with any independent supporting documentary evidence that substantiates these claims.</p>
<p>5 Special circumstances</p>	<p>Special circumstances are determined against the following criteria:</p> <p>Beyond a person's control</p> <p>Circumstances that are beyond an applicant's control if a situation occurs that a reasonable person would consider is not due to the applicant's action or inaction, either direct or indirect, and for which the applicant is not responsible. This situation must be unusual, uncommon or abnormal.</p> <p>Do not make full impact until on or after the census date</p>

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	<p>Circumstances that do not make their full impact on the applicant until on or after the census date for the unit if the applicant's circumstances occur:</p> <ul style="list-style-type: none"> • before the census date, but worsen after that day; • before the census date, but the full effect or magnitude does not become apparent until after that day; or • on or after the census date. <p>Note: A person does not need to demonstrate that they were prevented from withdrawing from the unit prior to the census date.</p> <p>Impracticable for the person to complete the unit of study requirements</p> <p>Circumstances that make it impracticable for the applicant to complete the requirements for their unit may include:</p> <ul style="list-style-type: none"> • medical circumstances (for example, where an applicant's medical condition has changed to such an extent that he or she is unable to continue studying); • family/personal circumstances (for example, death or severe medical problems within a family, or unforeseen family financial difficulties, so that it is unreasonable to expect an applicant to continue studies); • employment related circumstances (for example, where an applicant's employment status or arrangements have changed so that the applicant is unable to continue his or her studies, and this change is beyond the applicant's control); or • course related circumstances (for example, where the University has changed the subject it had offered and the applicant is disadvantaged by either not being able to complete the subject, or not being given credit towards other subjects or courses. <p>An applicant is unable to complete the requirements for a subject, for example, if the applicant is unable to:</p> <ul style="list-style-type: none"> • undertake the necessary private study required, or attend sufficient lectures or tutorials or meet other compulsory attendance requirements in order to meet their compulsory subject requirements; or • complete the required assessable work; or • sit the required examinations; or • complete any other subject requirements because of their inability to meet the above. <p>Consideration is also given to whether at the time the applicant's special circumstances emerged, it was already not practicable for the student to meet the requirements of the subject. This situation may arise where an applicant has not met progressive requirements relating to compulsory assessment and/or attendance at classes for the subject. If an applicant has not met the ongoing compulsory requirements of the subject, their failure to sit the final examination (and/or the special examination) does not of itself make it impracticable for them to complete the subject. In this case the University may make a decision not to remit or re-credit.</p> <p>Note: These requirements for continuous assessment and attendance would need to be stated explicitly in the University's rules prior to the commencement of the subject (and substantiated if the need arises).</p>
<p>6 Exceptions to special</p>	<p>Special circumstances do not include, for example:</p> <ul style="list-style-type: none"> • lack of knowledge or understanding of requirements under the schemes; or • an applicant's incapacity to repay a HELP debt, as repayments are income

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circumstances	contingent and the applicant can apply for a deferral of a compulsory repayment in certain circumstances.
7 Timeframe for making decisions	<p>An application for a remission or a re-credit must be made, in writing:</p> <ul style="list-style-type: none"> • within 12 months of the withdrawal date, or, • if the person has not withdrawn, within 12 months of the end of the period of study in which the subject was, or was to be, undertaken. <p>Where a student has deferred, the 12 month period applies from the end of the period of deferment. The University has the discretion to waive this requirement if it is satisfied that the application could not be made within the time limits.</p> <p>The University considers an application within 14 days of receipt.</p>
8 Notifying students of the decision	<p>The University will notify the applicant of its decision and the reasons for making the decision within 28 days of receipt.</p> <p>The University will advise the applicant of their rights for a review of the decision if the applicant is unsatisfied with the outcome and that the time limit for applying for a review of a decision is 28 days from the day the applicant first received notice of the decision. The applicant is taken to have received notice of the decision 1 day after the date on the notice of decision and the 28 days timeframe begins on this day. For example:</p> <ul style="list-style-type: none"> • Notice of decision dated 1 September. • Applicant taken to have received notice of decision by 2 September. • The 28 days count begins on 2 September. • A request for a review of the decision must be received by close of business on 29 September.
9 Notifying DEEWR of the decision	The University will notify DEEWR of decisions to remit or re-credit through the <i>Revisions File</i> .
10 Review of decision	<p>The time limit for applying for a reconsideration of a decision is 28 days from the day the applicant first received notice of the decision. The applicant must state the reasons why they are applying for a reconsideration of a decision.</p> <p>On receipt of the request for a reconsideration, the reviewer (i.e. the person reconsidering the decision) will acknowledge receipt in writing within 14 days. The acknowledgement will include:</p> <ul style="list-style-type: none"> • a unique reference number • a statement of the time frame within which a decision will be made • advice that if the reviewer has not advised the applicant of a decision within 45 days of receiving the application for review, the reviewer is taken to have confirmed the original decision; • notification of the applicant's right to appeal to the Administrative Appeals tribunal (AAT) if not satisfied with the review decision, the contact details of the nearest AAT registry, and the approximate cost of an appeal to the AAT. <p>On making his or her decision, the reviewer will notify the applicant in writing of:</p> <ul style="list-style-type: none"> • the reviewer's decision and the reviewer's reasons for making the decision

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	<p>(the reviewer may confirm the decision, vary the decision, or set the decision aside and substitute a new decision);</p> <ul style="list-style-type: none"> the applicant's right to appeal to the AAT if not satisfied with the review decision, the contact details of the nearest AAT registry and the approximate cost of an appeal to the AAT. <p>All applications for a review of a decision must be directed to: Manager, Student Administration Academic Services Division La Trobe University Bundoora VIC 3086</p>
11 Review by the Administrative Appeals Tribunal	<p>If an original decision has been confirmed, varied or set aside, an applicant has the right to apply to the Administrative Appeals Tribunal (AAT) for a reconsideration of the University's decision not to remit or re-credit. The application must generally be made within 28 days from the date that they receive the decision. The approximate cost of lodging an appeal with the AAT is \$682 but this may be waived if the applicant provides evidence of financial hardship or refunded if the appeal is successful. For up-to-date information, refer to http://www.aat.gov.au/.</p> <p>All applications must be directed to: Deputy Registrar Administrative Appeals Tribunal Level 16, HWT Tower, Southgate 40 City Road Southbank VIC 3006 (03) 9282 8444 (metropolitan area) 1300 366 700 (country areas)</p>
12 Provision of false or misleading information by a student	<p>If the University knows or believes that a student has provided false or misleading information in their application for remission of debt and re-crediting of SLE, the University will notify the student immediately and will not take any further action with the application.</p> <p>The University will notify DEEWR of any suspected offences and will provide a copy of the student's application and any other relevant information or material as requested by DEEWR.</p>
13 Refund process	<p>Where it is determined that a refund of fees is due, the applicant will be notified of the process to apply for a refund in accordance with Academic Services Procedures. The University reserves the right to credit any overpayment in fees against current and future liabilities with the University, except where otherwise defined by the Act, or where the student specifically requests the refund of such overpayments.</p>
Status	<p>Revised. Prior approval Director, Academic Services. The implementation of the latest version of these procedures supersedes all previous versions of these procedures.</p>
Approval Body	<p>Academic Services Division</p>

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Initiating Body	Student Financial Services
Definitions	N/A
Date Effective	17 September 2009
Next Review Date	September 2014 or as required by changes to legislation
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Owner/Sponsor	Director, Academic Services.
Author	Manager, Student Financial Services.
Contact person	Student Financial Services