



# Special Circumstances Policy - VET

**Policy Code:** STU-043

**Version:** 8.0

**Effective Date:** 30 March 2020

## Purpose

The policy provides a broad framework, set of principles and minimum requirements in Vocational Education and Training (VET) for:

- circumstances under which a VET student may seek refund of fees under special consideration; or
- other circumstances where the application of the College's policies requires consideration of special circumstances.
- enrolment into *the Access and Equity Program* (AEP)

**Definition of "College"** – *The Australian College of Natural Medicine Pty Ltd (ACNM) trades as Endeavour College of Natural Health. For the purpose of this policy and FIAFitnation, any reference to 'College' or 'the College' should be considered a reference to each or any of these respective trading names / entities.*

**Use of the term "Course"** – *for the purposes of this policy, the term course should be deemed interchangeable with the terms "training package" and "accredited course".*

**Use of the term "unit of study"** – *for the purposes of this policy the term "unit of study" incorporates units of competency within a unit of study.*

## Scope

- All campuses and VET courses
- All VET Staff
- All VET students – including international students

## Policy Statement

The College offers no barriers to withdrawal and provides a variety of options including deferral and withdrawal (*Deferral and Withdrawal Policy – VET*) including cases of special circumstances whereby a VET student for reasons beyond their control:

- seeks to withdraw without penalty due to an inability to continue with their studies;
- may be unfairly disadvantaged by normal application of the College's policies;
- seeks to enrol into the *Access and Equity Program* (AEP) to facilitate reasonable adjustment.

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 Registration Authorities and Providers of Education and Training to Overseas Students 2018 (National Code)*.



# Special Circumstances

## General Guidelines

The College recognises that there may be times when a decision made by the College upon application of the relevant policy may require reassessment due to special circumstances.

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).

Special circumstances **may** include:

## Medical reasons

For example:

- ① The student has a medical condition that has developed prior to the last date to withdraw without penalty, continued past that date, and deteriorated to the extent that the student is unable to continue their studies.
- ① A student's medical condition only became known after the last date to withdraw without penalty and it was such 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.
- ① A student has a medical condition that has increased in severity suddenly, meaning they were unable to attend an assessment, meet attendance requirements or attend a required clinic session.
- ① An International student on a student visa studying a VET course and has become unable to attend over 80% of all class hours due to extenuating circumstances or a serious medical condition.

**Note** the College must report all International VET students who breach attendance requirements to Department of Home Affairs (DHA) (Immigration) if attendance drops below 75% regardless of whether or not special circumstances apply.

Students will need to supply a medical certificate to substantiate their claims and fill in the *Special Circumstances Application Form - VET*.

## Family / personal reasons

Due to unforeseen personal / family reasons that occur or worsen that are beyond the student's control and they are unable to continue the current study schedule or complete their studies.

For example:

- ① A member of the student's family suffers from a severe medical condition and, after the last date to withdraw without penalty, they are required to provide full time care. As a result they are unable to continue their studies.
- ① A member of the student's family or close friend dies and they are affected to the extent that, after the last date to withdraw without penalty, they realise that they are unable to continue with their studies.
- ① The student's or their family's financial circumstances change unexpectedly after the last date to withdraw without penalty to the extent that the students unable to continue with their studies.
- ① Due to unforeseen personal / family reasons that occur or worsen at the time an assessment item is due and / or at the time of an exam and that are beyond the student's control, they are unable to submit an assessment item.
- ① A member of the student's family dies and they are affected to the extent that they must attend the funeral service or are required to attend to funeral and / or legal arrangements within one week of the death.



- ⊗ A member of the student's immediate family becomes suddenly and seriously ill to the extent that they must become a carer to them and / or remain in quarantine at the time that an exam is taking place (e.g. your child contracts measles).

The student will need to supply documentation from, for example, a family doctor or counsellor, to substantiate your claims and fill in the *Special Circumstances Application Form - VET*.

## Employment related reasons

The student's employment status or arrangements change unexpectedly due to circumstances beyond their control, and they are unable to continue their current study schedule or complete their studies.

For example:

- ⊗ The student is employed out of necessity and 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 and studying and the employer directs them to be transferred to a different State or remote location (e.g. 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.

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

The student will need to supply a letter from their employer to substantiate their claims.

## Course related reasons

The College changes the arrangements of the student's course or unit of study and, as a result, they are disadvantaged to the extent that they are unable to complete the requirements of the course.

For example:

- ⊗ The student enrolls in a unit of study, having applied for credit towards the subjects previously undertaken at another institution, and are not advised of the decision for credit by the College until after the last date to withdraw without penalty.

The student will need to supply supporting documentation in the form of dated written communication from the College to substantiate their claims.

Please note that the circumstances under which an application for special circumstances can be made are not limited to those listed above; other circumstances may apply and it is the student's right to submit a special circumstances application for any reason (with supporting documentation to substantiate all claims). Applications for special circumstances may be made at any time throughout the student's enrolment with the College.

Special circumstances **do not** apply to:

- ⊗ A student 'changing their mind' about studying at the College and wishing to withdraw;
- ⊗ a lack of knowledge or understanding of fee requirements under the VET scheme including census dates;
- ⊗ 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);
- ⊗ misreading timetables or forgetfulness; or
- ⊗ a person's incapacity to repay a debt as student loans are available.



## Applications for Refund of Tuition Fees

Special circumstances for the purposes of a refund of tuition fees, are defined under the *Higher Education Support Act (2003) (HESA)* and related guidelines, with strict requirements related to:

- a) when the circumstances occurred
- b) when they affected the student and
- c) the timeframes in which students can apply for refund.

In order for an application for a refund of tuition fees to be considered, it **must** meet all three elements of the Special Circumstances test as defined by *HESA (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.

## Supporting documentation

A VET student **must** provide original or certified, independent 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 refund of debt, that the circumstances made their full impact on the student on, or after, the census date.

This documentation should include:

- Medical Reasons – a statement from an appropriate health care practitioner that states:
  - ⊙ The date their medical condition began
  - ⊙ How their condition affected their ability to study
  - ⊙ When it became apparent that the student could not continue their studies or that their studies would be impacted in some way

**Note:** The student should inform their doctor that the statement will be sent to the College in support of their application for consideration under special circumstances.

- Family / Personal Circumstances – a statement from a doctor, counsellor or independent member of the community, for example a Justice of the Peace or a Minister of Religion, stating:
  - ⊙ The date of the student's family / personal circumstances began or changed
  - ⊙ How the circumstances affected their ability to study
  - ⊙ When it became apparent that the student could not continue their studies or that their studies would be impacted in some way.
- Employment Related Reasons – a statement from your employer stating:
  - ⊙ The student's previous work hours and location



- The student's current work hours and location
- The reason for changed hours and location.

## Assessment of Special Circumstances

Applications for consideration of Special Circumstances will be assessed by the General Manager, VET 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 in to account.

Requests relating to written assessment items or examinations will be decided within 14 days. The outcomes of other decisions will be provided to students in writing no later than 28 days of the submission of the application for assessment of Special Circumstances or enrolment into the *Access and Equity Program*.

## Appealing a decision

If the student is dissatisfied with the outcome, they may appeal the decision via the College's grievance processes (see the *Grievance Policy - VET* for further information).

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

## Process and Responsibility Overview

A VET student who wishes to have the framework of this policy applied to another College Policy decision, must:

- complete an application for assessment in line with the relevant policy, procedure and / or guidelines;
- provide full supporting documentation as detailed in the relevant policy, procedure and / or guidelines;
- make the application within the required and legislative timeframes;
- advise the College of any change of personal circumstances after the application has been lodged; and
- if applicable, make the application in accordance with the relevant College Fee Policy (*Fees Policy - VET* or *Fees Policy - International*).

Student Services will:

- review the application to ensure the application and all supporting documentation complies with College and legislative policy requirements.
- date stamp and forward to the National Student Recruitment and Engagement Manager.

The National Student Recruitment and Engagement Manager will provide a written receipt of the application and advise of the outcome in writing once reviewed by the General Manager, VET.

The General Manager, VET 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 *HESA (2003)* guidelines.



## Definitions

**Administrative Fee** - A fee charged by the College which is not a tuition fee.

**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 VET course.

**HESA (2003)** - Higher Education Support Act (2003)

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

**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.

**Teaching Period** - is either a 10 week term (Endeavour VET) or a 12 - 13 week trimester (FIAFitnation VET) for on campus classes, or can be an online study period of a set duration (usually 10 – 13 weeks, dependent on the course of enrolment), as advertised on the relevant College calendar/s.

**Term** - A nominated period of time (10 weeks) during which instruction is provided or learning is undertaken and assessment is carried out.

**Trimester** - A nominated period of time (12 – 13 weeks) during which instruction is provided or learning is undertaken and assessment is carried out.

**Training Package Qualification** – Refer to Course / Award

**Tuition Fee** - A fee paid for the teaching of unit(s) of study undertaken in the College. May be paid up front or before census date on a payment plan.

**Unit of Competency** – The specification of the standards of performance required in the workplace as defined in a training package.

**Unit of Study** - A subject or unit that a person may undertake with a provider that could be undertaken as part of a course of study.

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

## Related Procedures

*Complaints and Appeals Procedure – International*

*Grievance Procedure - VET*



## Further Information

### Related Policies

*Complaints and Appeals Policy - International*

*Deferral and Withdrawal Policy – VET*

*Fees Policy - International*

*Fees Policy - VET*

*Grievance Policy - VET*

### Related Documents

*Access and Equity Officer Handbook*

*Access and Equity Student Handbook - VET*

*Special Circumstances Application Form - VET*

### Guidelines

Not Applicable

### Benchmarking

Swinburne University of Technology

### Supporting Research and Analysis

Not Applicable

### Related Legislation

[Higher Education Support Act 2003 \(HESA\)](#)

[National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018](#)

## Review and Approval

### Policy Author

National VET Manager

### Policy Owner

General Manager, VET

### Contact

General Manager, VET

[Nicole.Grundy@endeavour.edu.au](mailto:Nicole.Grundy@endeavour.edu.au)





## Approval Body

College Council

Meeting Date: 7 December 2012

## Policy Status

Formatting Revised

## Responsibilities for Implementation

- National Student Recruitment and Engagement Manager
- General Manager, VET
- Student Services team

## Key Stakeholders

- Admissions team
- All VET Students
- Director of Education
- National Student Recruitment and Engagement Manager
- General Manager, VET
- Student Services team