

Student Review Requirements and Re-Crediting a FEE-HELP Balance

The College undertakes the following policy in regards to tuition fee refunds for domestic students (note: Permanent residents (who are not permanent humanitarian visa holders) and New Zealand citizens do not meet the residency requirements for VET-STUDENT-LOANS assistance) to ensure that it complies with the fairness requirements in relation to review procedures for VET-STUDENT-LOANS as set out in Schedule 1A of the Higher Education Support Act 2003 (the Act) and the requirements of the VET Provider Guidelines.

Publication:

These procedures are to be published for students in The College prospectus and in the Student Handbook to ensure current and prospective students have up to date and accurate information publicly available to them.

Responsible Officers:

The Head of Art is the designated VET-STUDENT-LOANS Officer of the College. The Head of Art is responsible for the assessment of a student's request for re-crediting FEE-HELP balance due to special circumstances and for the initial decision regarding the request.

The Chief Executive Officer (CEO) is the most senior person of the College and is the designated review officer of any decisions relating to the re-crediting FEE-HELP balance.

Definitions

The College refers to La Trobe International Galleries Pty Ltd trading as LaTrobe College of Art and Design or LCAD

Student: Refers to students, who are Australian citizens or permanent humanitarian visa holders who will be resident in Australia for the duration of their VET Units of study, and who access VET-STUDENT-LOANS for payment of their tuition fees in respect of the VET unit of study in which they are enrolled.

Census Date: A published date set by the provider, no earlier than 20% of the way through a VET Unit of Study.

Tuition Fees: Fees paid for a VET Unit of Study that is approved for VET-STUDENT-LOANS and applies to students who are, or would be entitled to VET-STUDENT-LOANS assistance under clause 43 of Schedule 1A of the Act.

Unit or VET Unit of Study: A VET unit of study approved for VET-STUDENT-LOANS that a student may undertake with Latrobe International Galleries Pty Ltd Trading as Latrobe College of Art and Design or LCAD, for which the student may access VET-STUDENT-LOANS assistance to pay for all or part of their tuition fees.

The Department: The Department of Industry, Innovation, Science, Research and Tertiary Education

Incurring a VET FEE-HELP Debt

A Student who is, or would be, eligible for VET-STUDENT-LOANS and has requested VET-STUDENT-LOANS Assistance, who withdraws from a Unit on or before the census date will not incur a VET-STUDENT-LOANS debt for the tuition fees for that Unit.

Students who have requested VET-STUDENT-LOANS Assistance who remain enrolled after the published census date will incur a VET-STUDENT-LOANS debt.

A Student who withdraws from a Unit after the published census date for that Unit will incur a VET-STUDENT-LOANS debt for that Unit.

Re-crediting a FEE-HELP Balance

Students who withdraw from a Unit after the published census date, or fail to complete a Unit, may apply to have their FEE-HELP balance re-credited with respect to the Unit if they believe special circumstances apply in accordance with the following procedures.

Special Circumstances

If a Student withdraws from a Unit after the published census date for that Unit, or has been unable to successfully complete a Unit and believes this was due to special circumstances, the student may apply to have their FEE-HELP balance re-credited for the affected unit/s.

LaTrobe College of Art and Design or LCAD will re-credit the Student's FEE-HELP Balance if it is satisfied that Special Circumstances apply where:

- **the circumstances** are beyond their control, and
- these circumstances did not make their full impact on the student until on, or after the census date; and
- these circumstances were such that it was **impracticable** for the Student to complete the requirements for the Unit.

For circumstances to be beyond a Student's control, the situation should be that which a reasonable person would consider is not due to the Student's action or inaction, either direct or indirect, and for which the Student is not responsible. The situation must be unusual, uncommon or abnormal to be considered special circumstances.

Special circumstances do not include:

- lack of knowledge or understanding of requirements for VET-STUDENT-LOANS assistance; or
- a Student's incapacity to repay a VET-STUDENT-LOANS debt (repayments are income contingent and the Student can apply to the Australian Taxation Office for a deferral of a compulsory repayment in certain circumstances).

Re-credit of a Student's FEE-HELP balance - The process

Each application for re-credit of a student's FEE-HELP balance will be considered on its merits together with all supporting documentation substantiating the special circumstances claim.

Jane Cocks, Head of Art, 301-303 Latrobe Street Melbourne VIC 3000 Telephone: 03 9606 0933. Email: jane@latrobecollege.com.au is the designated VET- FEE-HELP officer of LaTrobe College of Art and Design. The above officer is responsible for the assessment of a student's request for a re-credit of their FEE-HELP balance due to special circumstances and for the initial decision regarding the request.

1. A Student must apply in writing to the The Head of Art, LaTrobe College of Art and Design 301-303 Latrobe Street, Melbourne VIC. Australia. 3000 within 12 months of the withdrawal date, or if the Student has not withdrawn, within 12 months of the specified completion date of the Unit. LaTrobe College of Art and Design has the discretion to waive this requirement if it is satisfied that it was not possible for the application to be made within the 12 month period. Relevant supporting documentation will be required to substantiate the claim.

2. The application for re-crediting a FEE-HELP balance must include details of the:

- Unit(s) for which a Student is seeking to have a FEE-HELP balance re-credited and
- special circumstances as referred to above, including supporting documentation.

3. LaTrobe College of Art and Design will consider each application within 5 working days of receipt of the application. It will consider each request to re-credit a FEE-HELP balance in accordance with the requirements of Schedule 1A of the Act. Applicants will be notified in writing of the decision within 15 working days.

Review of Decision

4. Where LaTrobe College of Art and Design makes a decision NOT to re-credit a student's FEE-HELP balance that decision may be subject to review.

5. If a Student is not satisfied with the decision made by LaTrobe College of Art and Design the Student may apply, within 28 days of the receipt of the original decision, for a review of the decision. The student's application for review must:

- be made within 28 days of receipt of the original decision
- include the date of the original decision
- state fully the reasons for applying for the review
- include any additional relevant evidence

6. Applications should be made in writing to the CEO of LaTrobe College of Art and Design 301-303, Latrobe Street. Melbourne. VIC. Australia 3000, as the designated Review Officer of any decisions relating to a request for re-crediting of a FEE-HELP balance. Note: The Review Officer is senior to the designated VET-STUDENT-LOANS officer responsible for the original decision and was not involved in making the original decision to be reviewed.

7. The Review Officer will:

- acknowledge receipt of the application for review of a decision in writing within 10 working days; and
- inform the Student that if the Review Officer has not advised them of a decision within 45 days of receipt of the application for review, it is taken that the Review Officer has confirmed the original decision.

8. The Review Officer will then:

- review the information from the original decision and then assess any new evidence provided by the Student
- provide written notice to the Student of the decision, setting out the reasons for the decision
- inform the Student of their right to apply to the Administrative Appeals Tribunal if they disagree with the Review Decision, and timelines involved (see below).

Reconsideration by the Administration Appeals Tribunal

At the time of the original decision, and at the time of the subsequent Review Decision, the Student will be notified of their review rights and responsibilities. The relevant officer will inform a Student in writing of their right to appeal to the Administrative Appeals Tribunal (AAT) if they are not satisfied with the outcome and the contact details of the closest AAT office and the approximate costs of lodging an appeal. The Application must be lodged at the AAT within 28 days of receiving written notice of the Review Decision. This time limitation can be extended in limited circumstances by order of the AAT.

AAT Details and Approximate Costs

Deputy Registrar
Administrative Appeals Tribunal
Level 16, HWT Tower
South Gate
40 City Road
Southbank VIC.3006
Telephone: 03 9282 8444

(Cost of appeal in 2011 is \$777.00.)

Note: Full details of the application process and fees payable are available on the AAT Registry's website: www.aat.gov.au. An application fee may have to be paid, in the amount of \$777 (2010-2011) and is subject to change. Applications cannot proceed until the fee has been paid or waived. Applications for fee waiver must be made to the AAT. Refer to the AAT website for more details.

The Secretary of **The Department**, or the Secretary's delegate, will be the respondent for cases that are brought before the AAT. Upon **The Department's** receipt of a notification from the AAT, **The Department** will notify Latrobe College of Art and Design that an appeal has been lodged. Upon receipt of this notification from **The Department**, the Review Officer will provide **The Department** with copies of all the documents that are relevant to the appeal within ten (10) business days.

Publication

This policy and the procedure are published on the LaTrobe College of Art and design website to ensure Students have up to date and accurate information publicly available to them.

Approval

This Academic Grievance Policy and Procedure was agreed to and ratified by LaTrobe College of Art and Design Board of Directors.