



Application to Waive Academic Penalty, Re-credit SLE, Remit or Refund HELP Debt and Tuition Fees in Special Circumstances

Instructions (read this before proceeding)

This form is used to apply for Waive of Academic Penalty, re-credit of Student Learning Entitlement (SLE), remission of HECS-HELP or FEE-HELP, or a refund of any student contribution amounts or tuition fees if you wish to withdraw from your studies after the census date and you have not completed the requirements of the course(s) of study and you can demonstrate special circumstances exist.

You cannot apply for a re-credit or a remission if you have successfully completed the course of study.

Before completing this form, you must check to see if your situation meets the criteria for special circumstances specified by the Department of Education, Employment and Workplace Relations (DEEWR) and adopted by USQ (see over page).

Time limits for applying

Your application must reach the Policy and Project Officer, USQ Student Administration, within 12 months from the date you advised USQ of your withdrawal from the course(s). If you have not withdrawn from your course(s), your application must reach the Policy and Project Officer within 12 months from the last day of the teaching period in which you were enrolled in the course(s).

Legislation enables USQ to consider applications made beyond 12 months if you can provide proof that there were special circumstances which prevented you from applying until the date of your application. However, this flexibility is not available for courses undertaken in 2004 or earlier. The Higher Education Funding Act which was in force prior to 2005 stipulates that applications must be made within 12 months of the date of withdrawal or, if there was no withdrawal at the time, from the last date of the teaching period.

Note: A lack of knowledge or understanding of the requirements for applying for the remission of your debt is not a valid reason for applying outside of these timeframes.

Who should use this form?

You should use this form if you:

- paid your student contribution amount, tuition fee upfront, and/or deferred some or all of your student contribution amount or tuition fees through HECS-HELP or FEE-HELP;
- paid agent or partner fees;

AND

- the census date has passed but you are unable to continue your study because of special circumstances;

AND

- you want all of your student debt remitted or any up-front student contribution amount payments or tuition fees or agent/partner fees for the semester refunded.

Who should NOT use this form?

You should not use this form if you are:

- if you are applying for a deferred assessment.

What happens once I have submitted my application?

1. Your application will be considered by the Manager, Fees & Remissions, and you will be notified in writing of the decision and the reasons for the decision normally within 7-10 working days of the University receiving the application. You will be advised at the time of the receipt of application if there are likely to be any delays with the processing of your application.
2. Where a decision results in the re-crediting of your Student Learning Entitlement, remission of your HECS-HELP debt and/or up-front payment or remission of your FEE-HELP debt, USQ will notify DEEWR.
3. If you are not satisfied with the Manager, Fees & Remissions decision, you may apply to the Director, Student Administration for a review of the decision.
4. You must apply within 28 days from the date you received the decision of the Manager, Fees & Remissions and you must outline your reasons for seeking review.
5. The Director will acknowledge receipt of your application in writing and advise you that a decision will be forwarded within 45 days.
6. If, after the Director has reconsidered your application, you remain unhappy with the result, then you may apply to the Administrative Appeals Tribunal for a review of the University's decision.
7. International Students do not have the option of applying to the AAT for further review of decisions. International Students review process stops with the Director, Student Administration.

How do I apply to have my SLE re-credited, HELP debt (HECS-HELP, FEE-HELP) remitted, upfront student contribution or tuition fee refunded?

1. Read the instructions on the next page to find out what criteria you need to satisfy and what documentation you need to provide.
2. Complete Sections 1 to 6 of this form.
3. Sign and date the form in Section 6 - Declaration.
4. Attach your supporting documentation to the form (eg medical certificate, letter from your employer etc). It is **YOUR** responsibility to ensure that all relevant documentation is included with your form.
5. Send your completed form and supporting documentation to: Manager, Fees & Remissions, Student Administration USQ, Toowoomba QLD 4350, Australia

Personal information collected on this form or supplied by you will be treated in accordance with USQ's Privacy Guidelines. The information collected is used for the purpose of assisting the Manager, Fees & Remissions to make an informed decision on your application. If your debt is remitted, the Department of Education, Employment and Workplace Relations (DEEWR) will be provided with the necessary details to enable this.

Please turn over for instructions on how to complete this form.

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Instructions for applying for the remission of a debt in special circumstances

What do I need to demonstrate in order to have my SLE re-credited, HELP debt remitted, upfront student contribution or tuition fee refunded?

To have your SLE re-credited, student debt remitted, upfront student contribution or tuition fee refunded, you must be able to demonstrate, with independent supporting documentation, that:

1. Due to special circumstances, you were unable to complete your course requirements. For example, you were unable to:
 - i) undertake the necessary private study required, attend sufficient lectures or tutorials, or meet other compulsory attendance requirements in order to meet your compulsory course requirements; or
 - ii) complete the required assessable work; or
 - iii) sit the required examinations, or complete any other course requirements because of your inability to meet (i), (ii) or (iii).
2. Those special circumstances did not commence or make their full impact until on or after the census date. For example, your circumstances occurred:
 - i) before the census date, but worsened after that day; or
 - ii) before the census date, but the full effect or magnitude did not become apparent until on or after that day, or
 - iii) on or after the census date.

Note: For information on USQ census dates, visit USQ's website at: www.usq.edu.au/handbook/current/
3. Those special circumstances were beyond your control. For example, a situation occurs that 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. This situation must be unusual, uncommon or abnormal. A lack of knowledge or understanding of HELP conditions is not considered to be beyond a person's control. A lack of knowledge of USQ's Student Regulations (www.usq.edu.au/corporateservices/calendar/part5.htm) or administrative matters such as census dates, enrolment dates, withdrawal dates and financial penalties (www.usq.edu.au/handbook/current/) is not considered beyond your control and is insufficient reason to have your student debt remitted or tuition fee refunded.

What are special circumstances?

Special circumstances may include:

Medical reasons

Example 1: You have a medical condition that existed prior to the census date, continued past that date, and deteriorated to the extent that you were unable to continue your studies.

Example 2: Your medical condition only became known after the census date and it was such that you were unable to continue with your studies.

You will need to supply a medical certificate to substantiate your claims.

Family/personal reasons

Due to unforeseen personal/family reasons that occurred or worsened on or after the census date and that were beyond your control, prevented you from continuing your studies.

Example 1: A member of your family suffers from a severe medical condition and, after the census date, you are required to provide full-time care. As a result, you are unable to continue with your studies.

Example 2: A member of your family or close friend dies and you are affected to the extent that, after the census date, you realise that you are unable to continue with your studies.

Example 3: You or your family's financial circumstances change unexpectedly after the census date to the extent that you are unable to continue with your studies.

You will need to supply documentation from, for example, a family doctor or counsellor, to substantiate your claims.

Employment related reasons

After the census date, your employment status or arrangements change unexpectedly due to circumstances beyond your control, and you are unable to complete your studies.

Example 1: You are employed out of necessity, and studying. After the census date, your employer unexpectedly increases your hours of employment in circumstances where you are unable to object. As a result you are unable to continue with your studies or complete your course requirements.

Example 2: You are employed out of necessity, and studying. After the census date, your employer directs that you be transferred to a different state. Your institution does not offer distance education and, as a result, you are unable to continue with your studies or complete your course requirements.

You will need to supply a letter from your employer to substantiate your claims.

Note: Choosing to increase your hours of work or undertake additional employment are not regarded as circumstances beyond your control. Your debt will not be remitted.

Course related reasons

Your faculty/school changes the arrangements for your unit or course and, as a result, you are disadvantaged to the extent that you are unable to complete the requirements of the course.

Example 1: Your faculty/school cancels your unit or course after the census date and, as a result, you are unable to complete the requirements of the unit or course.

Example 2: You enrol in a unit, having applied for credit towards the unit previously undertaken at another institution before the census date, and are not advised of the decision for credit by your institution until after the census date.

You will need to supply supporting documentation from your faculty/school to substantiate your claims.

What supporting documentation will I need to provide?

You will need to provide independent supporting documentation to substantiate your claims. For example, if the reason for applying for the remission of your debt is a medical one, you will need to supply a doctor's certificate that substantiates your claims. Statements and/or letters from a member of your family or another student is not considered independent.

The statement outlining your circumstances is not sufficient evidence to have your SLE re-credited, HELP debt remitted or your tuition fee refunded.

Supporting documentation should indicate that circumstances were beyond your control; the circumstances did not make their full impact on you until on or after the census date for the unit and when it became apparent after the census date that you could not continue with your study; or the circumstances prevented you withdrawing from study before the census date.

You will need to ensure that your supporting documentation is on official letterhead (if relevant), and is signed and dated. If you provide copies of documentation, make sure these copies are properly certified by a Justice of the Peace, a Commissioner of Declarations, or USQ Student Administration staff.

False or misleading statements or information

It is a criminal offence to knowingly make a false or misleading statement or to otherwise knowingly supply false or misleading information in connection with an application for remission of a HELP debt or refund of your tuition fee. Applicants who knowingly supply false or misleading statements or information may be liable to criminal prosecution.

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Academic Regulation 5.5.8 (<http://www.usq.edu.au/resources/55.pdf>)

Waiving Academic Penalty and Fee Reversal Policy

1. Students who do not have access to study material and other resources needed to allow them to study a course prior to the last date to drop that course without academic penalty and with fee reversal should drop the course by that date.
2. The University recognizes that occasions may arise in which students find it necessary to drop a course after the date stipulated in the Handbook for dropping a course without academic penalty and with fee reversal. In such cases, the academic penalty may be waived and the fees reversed if the course is dropped for special circumstances including medical, family/personal or employment related circumstances or University/Agent action or error.
3. The University must be satisfied that special circumstances apply to the student that:
 - 3.1. are beyond the student's control
 - 3.2. do not make their full impact on the student until on, or after, the census date; and
 - 3.3. make it impracticable for the student to complete the requirements for the course during the period during which the student undertook, or was to undertake, the course.

Regulations

1. To be eligible for a waive academic penalty, re-credit of Student Learning Entitlement and remission of fees, the student must apply in writing, 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 course was or was to be undertaken. All requests must be accompanied by certified documentation as required in regulations 2.1, 2.2 or 2.3 below.
2. Applications must be submitted for approval to the Policy and Projects Officer, Student Administration Applications must include sufficient documentation to support the claim.
 - 2.1. In the case of an application to waive academic penalty and fees reversal for medical reasons, the documentation should include an original or certified copy of a Medical Certificate, preferably a USQ Medical Certificate, completed by the student's medical practitioner and must include the medical practitioner's name and contact details, date of consultation, student details and a statement from that medical practitioner stating:
 - 2.1.1. the date the medical condition began or changed;
 - 2.1.2. how the condition affected the student's ability to study;
 - 2.1.3. when it became apparent that the student could not continue studying.
 - 2.2. In the case of an application to waive academic penalty and fees reversal for family/personal reasons, the documentation must include a statement from a medical practitioner, counsellor or independent member of the community stating:
 - 2.2.1. the name and contact details of the medical practitioner, counsellor or independent member of the community;
 - 2.2.2. the date the student's personal circumstances began or changed;
 - 2.2.3. how the circumstances affected the student's ability to study;
 - 2.2.4. when it became apparent that the student could not continue studying.

- 2.3. In the case of an application to waive academic penalty and fees reversal for employment related reasons, the documentation must include a statement from the student's employer stating:
 - 2.3.1. the employer's name and contact details;
 - 2.3.2. the date the student's conditions of employment changed;
 - 2.3.3. how this prevented the student from studying.
3. Circumstances which are considered to be within the control of students, or which are to be expected in the normal course of the student's study, work, family or social life are not grounds for the waiving of academic penalty and reversing fees. Circumstances are beyond a student's control 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 student is not responsible. This situation must be unusual, uncommon or abnormal.
4. The Manager, Fees & Remissions, will advise students of the outcome of their request to drop a course without academic penalty and fees reversal within 30 days of receipt of the request. Students will also be advised of their right for a review of the decision if the applicant is dissatisfied with the outcome. Refer to 5.5.8.1 below.
5. If a request to drop a course without academic penalty and fees reversal is approved, USQ must re-credit Student Learning Entitlement (SLE) where applicable, remit any HELP debt acquired for the course and refund any up-front payments of the Student Contribution Charge made in respect of the course. For refunds of up-front tuition fees refer to the University Calendar, section 4.6.3 Refund Policy

5.5.8.1 Review of Decisions

1. Students who are not satisfied with the outcome of their Request to Waive Academic Penalty and Fee Reversal may apply for a review of the decision within 28 days from the date of the notification of the decision.
2. The Director, Student Administration will act as the Reviewing Officer.
3. The responsibilities of the Reviewing Officer include:
 - acknowledging receipt of the request for review
 - notifying the student in writing, within 45 days of receiving the review application, of the reviewer's decision and the reasons for making the decision.
 - Advising the student of their right to appeal to the Administrative Appeals Tribunal (AAT) for a review of the reviewer's decision if the applicant is unsatisfied with the outcome; and
 - Provide the applicant with the contact details and address of the nearest AAT registry.
4. The Secretary of DEEWR, or his or her delegate, will be the respondent for cases which are before the AAT. Upon receipt of notifications from the AAT, DEEWR will notify USQ in writing that appeals have been lodged. To enable DEEWR to meet the 28-day timeframe, USQ **MUST, within a further 5 business days**, provide DEEWR with all the original documents it holds that are relevant to the appeal. These documents should be sent to DEEWR by courier or Express Post.

