

DEFINITION OF SPECIAL CIRCUMSTANCES HIGHER EDUCATION AND TAFE DIPLOMA AND ABOVE ONSHORE STUDENTS

1. Purpose

The purpose of this definition is to detail what constitutes special circumstances for the purposes of an application by (i) a Higher Education student for HELP and Student Learning Entitlement (SLE) balance and a VET FEE-HELP student to be re-credited and debt removed, where the enrolment amendment, withdrawal and leave of absence has been lodged after the census date; (ii) a TAFE student beyond four weeks from the unit(s) of study start date.

2. Summary

This document will assist the reader to reach a decision as to whether a student's circumstances fall under the category of 'special circumstances'.

A Higher Education student or VET FEE-HELP student may apply for a re-credit of their Student Learning Entitlement, HELP balance and to have their debt removed. The university will re-credit if it is satisfied that special circumstances applied to the student and the student has provided independent supporting documentation.

3. Special circumstances

3.1. Circumstances beyond the control of the student

Specifically, circumstances are beyond the students control if a situation occurs which a reasonable person would consider is not due to the students action or inaction, either direct or indirect, and for which the student is not responsible. This situation must be unusual, uncommon or abnormal.

For example, a lack of knowledge of enrolment and census date rules or how HECS-HELP or FEE-HELP works is not considered beyond the student's control.

3.2. The circumstances did not make their full impact until on or after the census date for Higher Education students and VET-FEE HELP students

Specifically, those circumstances did not make their full impact until on or after the census date, i.e.

- The circumstance could have been prior to the census date, but worsened after census date;
- The circumstances occurred prior to the census date but the full effect or magnitude did not become apparent to the student until after census date.

3.3. The circumstances did not make their full impact until on or after Week 4 of the Unit of Study start date for TAFE students

Specifically, those circumstances did not make their full impact until on or after 4 weeks from the Unit of Study start date i.e.

The circumstance could have been prior to this date, but worsened after 4 weeks from the Unit of Study start date;

The circumstances occurred prior to this date but the full effect or magnitude did not become apparent to the student until after 4 weeks from the Unit of Study start date

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3.4. Impracticable for the student to complete the Unit of Study and/or Course of Study requirements

Circumstances that make it impracticable for students to complete the Unit of Study and/or Course of Study include:

- ***Medical circumstances***

i.e. where the student's medical condition has changed to such an extent that he or she is unable to continue studying.

Example 1: The student has a medical condition that existed prior to the census date or 4 weeks of a TAFE Unit of Study start date, continued past the date, and deteriorated to the extent that they were unable to continue their studies.

Example 2: The student's medical condition only became known after the census date or 4 weeks of a TAFE Unit of Study start date and it was such that they are unable to continue with their studies.

Students need to supply a medical certificate to substantiate their claims.

- ***Family/personal circumstances***

Due to unforeseen personal/family reasons that occur or worsen after the census date or 4 weeks of a TAFE Unit of Study start date and that are beyond the control of the student and they are unable to continue with their studies.

Example 1: A member of the student's family suffers from a severe medical condition and, after the census date or 4 weeks of a TAFE Unit of Study start date, the student is required to provide full time care. As a result the student is unable to continue with their studies.

Example 2: A member of the student's family or close friend dies and the student is affected to the extent that, after the census date or 4 weeks of a TAFE Unit of Study start date, the student realizes that they are unable to continue with their studies.

Example 3: The student or the student's family's financial circumstances change unexpectedly after the census date or 4 weeks of a TAFE Unit of Study start date to the extent that they are unable to continue with their studies.

Students need to supply documentation from, for example a family doctor or counsellor, to substantiate their claims.

- ***Employment related circumstances***

After the census date or 4 weeks of a TAFE Unit of Study start date, the student's employment status or arrangements change unexpectedly due to circumstances beyond their control, and they are unable to complete their studies.

Example 1: A student is employed out of necessity and studying. After the census date or 4 weeks of a TAFE Unit of Study start date, the student's employer unexpectedly increases his/her hours of employment in circumstances where they are unable to object. As a result the student is unable to continue with their studies or complete their course requirements.

Example 2: A student is employed out of necessity and studying. After the census date or 4 weeks of a TAFE Unit of Study start date the student's employer directs that they be transferred to a different state. Victoria University does not offer distance education and, as a result, the student is unable to continue with their studies or complete course requirements.

PLEASE NOTE Should the student choose to increase hours of work or undertake additional employment it is not regarded as circumstances beyond their control.

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

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3.4 (cont.) Impracticable for the student to complete the Unit of Study and/or Course of Study requirements

- ***Course related circumstances***

E.g. where the University changes the unit of study or course of study it had offered and the student is disadvantaged by either not being able to complete the unit/course or not being given credit towards other units or courses.

A student would be unable to complete the requirements for a unit, for example if the student is unable to:

Undertake the necessary private study required, or attend sufficient lectures or tutorials or meet other compulsory attendance requirements in order to meet their compulsory course requirements; or

- Complete the required assessable work; or
- Sit the required examination; or
- Complete any other course requirements because of their inability to meet the above.

Example 1: Victoria University cancels the unit of study or course after the census date or 4 weeks of a TAFE Unit of Study start date and, as a result, the student is unable to complete the requirements of the unit or course.

Example 2: The student enrolls in a unit of study, having applied for credit towards the units previously undertaken at another institution, and are not advised of the decision for credit by Victoria University until after the census date or 4 weeks of a TAFE Unit of Study start date.

The student will need to supply supporting documentation from their College to substantiate their claim.

3.5. University administrative error

Specifically those circumstances that are the result of an inaction, oversight or error by a member of the university community. For example, where a student can provide proof that he/she has lodged a document in a timely manner, but the document has been misplaced, lost or not acted upon by a section of the university or it is deemed that the student's data has been entered incorrectly into the student data management system.