

SECTION 2.2.1 VET STUDENT LOAN WITHDRAWAL, CANCELLATION & REFUND POLICY

The Australian Ballet School

RESPONSIBLE: Executive Director

VERSION 1 APPROVED BY THE BOARD: November 2022 (RTO Compliance)

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REVIEW DATE: February 2027 (or earlier if regulatory or organizational requirements require otherwise)

POLICY ACCESS LOCATION: Staff Portal, Student Portal and The Australian Ballet School website

1. INTRODUCTION

The Australian Ballet School (School) is a Registered Training Organisation offering accredited courses for students from Australia and overseas. The eight-level program combines studio dance training and allied academic classroom subjects led by expert teachers and supported by health and wellbeing professionals. An academic program is provided by the Victorian College of the Arts Secondary Schools (VCASS).

The School offers the following full-time accredited courses:

- Diploma of Professional Dance (Elite Performance) (CUA51520);
- Advanced Diploma of Professional Dance (Elite Performance) (CUA60120); and
- Graduate Diploma in Classical Ballet (11008NAT).

Entry to the School's full-time programs is by audition.

The School is a registered **VET Student Loans (VETSL)** provider and must comply with the *VET Student Loans Act 2016* (Cth) and *VET Student Loans Rules 2016* (Cth) to ensure processes are in place for the assessment and handling of refunds for paid tuition fees or re-credit of a VETSL balance. This includes the review of associated decisions and enrolment into part of a course from which a student has previously withdrawn.

A student has the right to apply for a review of a decision by the School to not re-credit or remit their VETSL balance. This is referred to as a Reviewable Decision.

2. PURPOSE

The purpose of this policy is to define the School's procedures and administration of VETSL in relation to withdrawal from a course, cancellation, appeals, enrolment renewal after prior withdrawal and refunds.

Related Policies & Documents:

School: Code of Conduct (1.2), VET Student Loan Policy (2.2) located at [Policies – The Australian Ballet School](#); Recognition of Prior Learning (RPL) and Recognition of Current Competency (RCC) (6.3.2) and Student Complaints and Appeals Policy (6.3.3);

The following documents can be located at <https://www.dewr.gov.au/resources/vet-student-loans>

- VET Student Loans Information Book;
- eCAF Fact Sheet;
- Student Obligations;
- VSL Progression Form Fact Sheet.

3. WHO DOES THIS POLICY APPLY TO

This policy applies to all students enrolled in the above accredited courses.

Note: For enrolled international students the *CRICOS (Commonwealth Register of International Courses for Overseas Students) – ESOS Act 2018 “Standard 9 of the National Code of Practice for Providers of Education & Training to Overseas Students” (the Code)* applies specific provisions in relation to deferral, suspension and cancellation. **See:** Appendix 1 to this policy.

4. DEFINITIONS

Australian Qualifications Framework (AQF): the national policy for regulated qualifications in Australian education and training administered by the Australian Government and incorporating the learning outcomes for each AQF level and qualification type. The AQF covers higher education, vocational education, training and schools.

Census Date: closing date for a student to apply for VETSL assistance for a unit of study.

DEWR: Commonwealth Government Department of Employment and Workplace Relations.

Officially Withdraw: the process whereby a student submits the *Defer/Withdraw from Unit of Study/Course* form (Appendix 2) to the Head of Teaching and Learning via email, detailing the reason(s) for their request to defer or temporarily suspend studies from an approved course.

Recognition of Prior Learning/Recognition of Current Competency (RPL/RCC): processes that assess the competency has acquired through a structured process of instruction linked to attainment of an AQF qualification or statement of attainment and may include learning through previous or current work experience or work-related, social, family, hobby or leisure activities.

Special Circumstances: a situation that is unusual, uncommon, abnormal, including compassionate, medical, or compelling circumstances.

Vocational Education and Training (VET): training which enables students to gain qualifications for a wide range of employment and specific skills to help them in the workplace.

VET Student Loan (or VETSL): an Australian Government loan scheme for eligible students in the VET sector to assist them to pay tuition fees for eligible qualifications.

VET Unit of Study: a component of a VET course of study for which fees are payable and to which a Census Date applies.

5. PROCEDURES

A student may Officially Withdraw or have their enrolment temporarily withdrawn or cancelled.

This may be initiated by the student based on Special Circumstances, or by the School for a student's failure to pay fees, misbehaviour, failure to attend, or other condition/reason including:

- serious illness or injury - as evidenced by a medical certificate stating that the student was unable to attend classes;
- bereavement of close family members such as a parent or grandparent (a copy of the Death Certificate may be requested);
- major political upheaval or natural disaster requiring emergency travel which impacts the student's studies;
- a traumatic experience (e.g.: involvement in or witnessing of a serious crime or accident) which impacts the student (police or psychologists report to be provided);

Other reasons may be considered but must have documentary evidence to support the claim.

The Head of Teaching and Learning, the Health and Wellbeing Manager, the Artistic Director and Head of School (AD/HoS), Executive Director and Head of Boarding may discuss any proposed withdrawal or enrolment cancellation with the student.

5.1 Withdrawal from VET Unit of Study/Course:

A student wishing to withdraw from a VET Unit of Study or VET course of study must Officially Withdraw, following which the Head of Teaching and Learning will:

- review the application adding any feedback on initial intervention and discussions with the student leading to the preparation and submission of the request;
- conduct a completeness check to ensure that all required supporting evidence is included;
- submit to the Director for consideration and next steps.

The Health and Wellbeing Manager and/or the Level Coordinator will also be involved in this process.

Note: Students under 18 must also submit a written statement of support from a parent/legal guardian.

5.1.1 Temporary Withdrawal for Up to One Semester:

Otherwise known as a leave of absence, a student's application for temporary withdrawal is reviewed by the AD/HoS and more information may be required.

If the AD/HoS approves an application for temporary withdrawal:

- the student will be advised in writing of the approved temporary withdrawal period and their new commencement date; and
- the Executive Director will arrange for the necessary amendments to the student's enrolment status on the School's Student Management System (SMS).

The student may have to pay for any applicable increase in tuition, resource, or materials fees when re-commencing after a temporary withdrawal.

If the temporary withdrawal is refused, the student:

- will be advised in writing of the refusal;
- has 20 days to lodge an appeal from this decision with the Health and Wellbeing Manager; and
- will have the decision reviewed by the Executive Director in consultation with the Health and Wellbeing Manager, who together will make a recommendation for the appeal to be upheld or refused.

5.2 Enrolment/re-enrolment into whole or part of a Course after prior Withdrawal:

A student who has previously withdrawn from a course or part of a course may seek to re-enroll in that course, subject to:

- the prospective student fulfilling the School's audition and enrolment requirements; and
- the level or stage at which such student enters/re-enters the relevant course being subject to RPL/RCC considerations.

6. VET STUDENT LOAN ELIGIBILITY AND LIABILITY

VETSL eligibility and liability are determined by reference to VET Units of Study. Under the *VET Student Loans Act 2016* (Cth.), students do not incur a liability for a VET Unit of Study (VET tuition fees) until ***after*** the Census Date irrespective of whether they pay their tuition fees up-front or seek VETSL assistance.

7. WITHDRAWAL PRIOR TO THE CENSUS DATE

Where a student provides notification of Official Withdrawal from the VET Unit of Study or VET course of study prior to the corresponding Census Date, the School will repay in full all VET tuition fees for the VET Unit of Study or VET course of study paid by the student on or before the Census Date.

No late withdrawal fee or penalties will apply.

8. WITHDRAWAL AFTER THE CENSUS DATE

A student enrolled in a VET Unit of Study becomes liable for the VETSL debt for that VET Unit of Study once the Census Date for that unit of study has passed.

9. RE-CREDITING A VETSL BALANCE

After the Census Date, a student may apply to have their VETSL balance re-credited based on Special Circumstances if they have been unable to complete the requirements of a VET Unit of Study.

The Special Circumstances must be beyond the student's control and such that it is impracticable to complete the requirements for the VET Unit of Study.

Special Circumstances which would make it impracticable for the student to complete requirements for the VET Unit of Study may include:

- medical circumstances: where a student's medical condition has changed to such an extent that they are unable to continue their studies;
- family/personal circumstances: death or severe medical problems within a family, or unforeseen family financial difficulties, so that it is unreasonable to expect a student to continue their studies;
- employment related circumstances: where a student's employment status or arrangements have changed so that they are unable to continue their studies, and this change is beyond the student's control;
- course related circumstances: where the School has changed the unit it had offered and the student is disadvantaged by either not being able to complete the unit, or not being given credit towards other units or courses.

The School must be satisfied the full impact of the Special Circumstances relied upon were beyond the control of the student or did not occur until on or after the Census Date for a VET Unit of Study.

10. APPLICATION TO REFUND PAID TUITION FEES and/or RE-CREDIT THE VETSL BALANCE

A student must provide evidence of Special Circumstances upon which they rely.

The student must apply in writing to the Executive Director within 12 months of the date of Official Withdrawal, or if the student has not Officially Withdrawn, within 12 months of the end of the semester during which the VET Unit of Study commenced.

Note: The School has the discretion to waive this requirement if satisfied the application could not be made within the time limit.

The Executive Director will consider the application within 10 business days of receipt of the application. The student will be notified of the decision within a further 10 business days.

10.1 Successful Application:

If the application is successful, the written notice of decision will include:

- the reasons for the decision to refund paid tuition fees and/or re-credit the VETSL balance;
- the VETSL balance to be re-credited and the VETSL debt to be reduced (if applicable);
- the upfront payment amount that will be refunded if such a payment has been made; and
- who to contact for further information.

10.2. Unsuccessful Application:

If the application is unsuccessful, the written notice of decision will include:

- the reasons for the decision not to refund paid tuition fees and/or re-credit the VETSL balance;
- information about how to submit a request for a review of this decision;
- and who to contact for further information.

11. REVIEW OF AN UNSUCCESSFUL APPLICATION

A student may request a review of an unsuccessful application. The request must be made within 28 days of receiving the written notice of decision and specify the reasons for seeking the review.

A review of the initial decision is undertaken by the AD/HoS or their delegate, provided the delegate did not undertake the initial review.

The AD/HoS or their delegate will provide written acknowledgement of receipt of the application for review and inform the student that they will be advised in writing of a decision on the review within 45 days of receiving the application.

11.1 Successful Review of Application:

If a student's application for review is successful, the written review outcome will include:

- the reasons for the decision to refund paid tuition fees and/or re-credit the VETSL balance;
- the VETSL balance to be re-credited and the VETSL debt to be reduced (if applicable);
- the upfront payment amount to be refunded if such a payment has been made; and
- who to contact for further information.

11.2. Unsuccessful Review of Application:

If a student's application for review of the decision is unsuccessful, the written review outcome will include the reasons for the decision not to refund paid tuition fees and/or re-credit the VETSL balance.

The review outcome will also inform the student of their right to contact the VET Student Loans Ombudsman or The National Training and Complaints Hotline (13 38 73).

12. NOTIFICATION AND REPAYING VET STUDENT LOAN

On a successful application to re-credit the student's VETSL balance, the Student Support Coordinator will:

- notify DEWR; and
- arrange for repayment to the Commonwealth of any VETSL Loan assistance the School received on behalf of the student.

13. CANCELLATION OF ENROLMENT

The School reserves the right to cancel the enrolment of a student:

- resulting from any activity it deems inappropriate or in breach of the School's Code of Conduct;
- whose actions brings the reputation of the School into disrepute;
- who is in default of payment of fees;
- who, in the opinion of the Director, is not progressing towards a professional career in classical ballet.

The School must provide written notice to the student in the event of a decision to cancel the student's enrolment. A student has 28 days from receipt of notice of the School's decision to cancel their enrolment to request the Executive Director review the decision. The request must be in writing and specify reasons for seeking the review.

The Executive Director will provide written acknowledgement of receipt of an application for review and inform the student that they will be advised in writing of the outcome of the review within 14 days of receipt of the application. During this time the School will maintain the student's enrolment.

The School's Student Complaints and Appeals Policy (6.3.3) provides an overview of the processes and procedures for lodging an appeal.

14. KEEPING CONFIDENTIAL RECORDS

The Student Support Coordinator will ensure all documents connected with any withdrawal application or cancellation of enrolment are maintained and securely stored in accordance with applicable privacy legislation and the School's *Student Records Management Guidelines*.

For students under 18 years of age, the parent/carers must be given supervised access to the file on request and at no cost to them.

APPENDIX 1:

INTERNATIONAL STUDENT DEFERRAL, SUSPENSION, OR CANCELLATION

INTRODUCTION

The *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 (the Code)* Standard 9 states that:

“An overseas student’s enrolment can be deferred, suspended or cancelled. This may be initiated by either the overseas student for compassionate and compelling circumstances, or the registered provider for an overseas student’s breach of visa conditions, failure to pay fees, misbehaviour, or other condition listed in a registered provider’s policy.”

Note: Compassionate and compelling circumstances are included in the School’s definition of Special Circumstances.

WHO DOES THIS POLICY APPLY TO

This policy applies to all international students enrolled in one of the School’s CRICOS-registered courses.

POLICY

This policy outlines the processes involved in the deferral or suspension and cancellation of enrolment of an onshore international student, currently enrolled in a vocational education program at the School.

These processes comply with *Standard 9 of the Code* which includes:

- a registered provider (the School) must have and implement a documented process for assessing, approving and recording a deferment of the commencement of study or suspension of study requested by an overseas student, including maintaining a record of any decisions;
- the School may defer or suspend the enrolment of a student if it believes there are Special Circumstances;
- the School may suspend or cancel a student’s enrolment under particular circumstances;
- if the School initiates a suspension or cancellation of the overseas student’s enrolment, before imposing a suspension or cancellation, the School must:
 - Inform the overseas student of that intention and the reasons for doing so, in writing; and
 - Advise the overseas student of their right to appeal through the provider’s internal complaints and appeals process, in accordance with complaints and appeals.

When any deferral, suspension or cancellation action is taken under this standard, the School must:

- inform the overseas student of the need to seek advice from the relevant Commonwealth Government immigration authority on the potential impact on their student visa; and
- report the change to the overseas student’s enrolment under *s.19 of the Education Services for Overseas Students Act 2000 (ESOS Act)*.

The suspension or cancellation of an overseas student's enrolment under *Standard 9.3 of the Code* will not take effect until the internal appeals process is completed, unless the overseas student's health or wellbeing, or the wellbeing of others, is likely to be at risk.

PROCEDURES

Deferral or Suspension Initiated by Student:

An international student may apply to defer or temporarily suspend their enrolment on the grounds for Special Circumstances. These may include:

- where a student does not receive their student visa in time to arrive at the School to commence study;
- serious illness or injury – as evidenced by a medical certificate stating that the student was unable to attend classes;
- bereavement of close family members such as parents or grandparents (a copy of the Death Certificate may be requested);
- major political upheaval or natural disaster in their home country requiring emergency travel and which has impacted on the students' studies;
- a traumatic experience (i.e., involvement in or witnessing of a serious crime or accident and this has impacted on the student) - police or psychologists report to be provided.

Other reasons may be considered and must be supported by documentary evidence.

Note: Deferral due to lack of funds is not accepted by the (Commonwealth) Department of Home Affairs as a Special Circumstance (*'compassionate and compelling' reason*) to defer for a semester. It is a condition of a student visa that students have access to funds to cover the tuition fees and cost of living for the duration of their student visa.

A student must submit a *Withdraw from A Unit of Study/Course* form (see: Appendix 2) to the Health and Wellbeing Manager via email support@australianballetschool.com.au detailing the reasons for their request to defer or temporarily suspend studies.

Defer/Withdraw from Unit of Study/Course:

The application must include documentary evidence to substantiate the Special Circumstances upon which the student relies.

Students under 18 years of age must also submit a written statement of support from a parent or legal guardian.

Students who wish to defer one semester of their studies, prior to commencement, will not be required to provide evidence of Special Circumstances.

The student's application is reviewed by the Artistic Director and Head of School (AD/HoS) and additional information may be requested.

If the deferral or temporary suspension is approved, the AD/HoS will:

- advise the student in writing of the approved deferral period and their new commencement date, as well as the impact this may have on their visa status; and
- inform the Department of Education, via the Provider Registration and International Student Management System (PRISMS) database, of the change to the student's course of study. The Department of Home Affairs is notified of any changes through PRISMS.

Deferral of a student's enrolment may result in an increase in tuition, resource or materials fees.

Students who defer their enrolment will be required to pay the fees that apply at their new commencement date.

If the deferral or temporary suspension is refused, the student:

- will be advised in writing of the refusal;
- has 20 days to lodge an appeal of this decision with their school administrator; and
- will have the decision reviewed by the Director who will make a recommendation for the appeal to be upheld or refused.

SUSPENSION OR CANCELLATION OF ENROLMENT INITIATED BY THE SCHOOL

An international student may have their enrolment cancelled or suspended.

In line with *Standard 9 of the Code*, the School will consider grounds for suspension or cancellation of the overseas student's enrolment include but are not limited to:

- misbehaviour by the student;
- breach of the School's Code of Conduct;
- the student's failure to pay an amount that they are required to pay the School to undertake or continue the course as stated in the written agreement; or,
- a breach of course progress or attendance requirements by the overseas student which must occur in accordance with *Standard 8 of the Code* (overseas student visa requirements).

Before undertaking the process to assess whether a suspension or cancellation is warranted, the School will:

- inform the student in writing of that intention and the reasons for doing so;
- advise the student of their right to appeal under the School's Student Complaints and Appeals Policy, and
- recommend that the student contacts the Commonwealth Department of Home Affairs to discuss how a suspension or cancellation may impact their visa.

When there is any suspension or cancellation action taken under this standard, the School will:

- report the change to the student's enrolment under s.19 of the *ESOS Act* by,
 - informing the Department of Education via the PRISMS database. The Department of Home Affairs is notified through PRISMS.

The suspension or cancellation of the student's enrolment will not take effect until the internal appeals process is completed, unless the overseas student's health or wellbeing, or the wellbeing of others is likely to be at risk.

If the student's appeal is successful, the School will:

- take the student through the Restorative Practice process; and
- counsel the student as to the consequences of a suspension or cancellation of their enrolment should the issue continue.

Restorative Practice: a teaching and learning approach that encourages behaviour which is supportive and respectful. The practice seeks to restore any relationship that has been damaged; to encourage offenders to take responsibility for their behaviour by reflecting upon the harm engendered to others and consequently become remorseful and act to restore damaged relationships.

APPENDIX 2:

DEFER/WITHDRAW FROM A UNIT OF STUDY/COURSE

Please complete the following and return via email at: support@australianballetschool.com.au

Name: _____

Course: _____

Student ID No: _____

Signed: _____

Dated: _____

CHOOSE ONE OPTION:

I wish to be withdrawn from ALL units of study - tick box

OR

I wish to defer my studies and supply supporting documentation - tick box

OR

This notice confirms my intention to withdraw from _____ (Unit Of Study) effective from _____.
(Date Of Deferral/Withdrawal)

I understand that if this is *after* the *census date (date/s available on our website) then I am required to make payment for the current unit of study. I am aware that I am still obliged to pay the School any outstanding amounts owing from completed units.

Signed: _____

Dated: _____

* The **census date** is the **date** in which your enrolment is considered finalized for the term/semester and is the last **date** you can drop a course (subject) without receiving a financial penalty. If you withdraw from a course (subject) after this **date** you will still be liable for any fees relating to the course (subject).

VET Student Loans (if applicable):

- I am withdrawing on/before my Census Date I wish to partially withdraw from my course (continuing with my other units), and receive a refund of any tuition fees and reduction to my VET Student Loan or reduction to my Debit success payment plan for only the attached units; **OR**
- I wish to fully withdraw from my course and receive a refund of tuition fees and reduction to my VET Student Loan for the above units/course (Note: an administration fee applies); **OR**
- My unit/course has been cancelled by the School and I am entitled to a refund Authorized by:

Artistic Director/HoS: _____ Signature: _____

Withdrawal Reason:

To help us improve the student experience please tick at least one of the below withdrawal reasons:

- Attained employment
 - Didn't like or enjoy the course
 - Doesn't align with career aspirations
 - Not ready to commence
 - Financial stress
 - Family related issues
 - Injury or illness Study/work/life balance
 - Other - please state _____
-

Admin Use Only:

Date Received: _/_/___

Director informed: **Yes/No** Date: _/_/___ Meeting Arranged:
 Yes/No

Financial System Updated:

Exit Interview Arranged:

Deferment Approved: **Yes/No** Date: Evidence Supplied:
Yes/No

Statement of Attainment Issued:

Notes: