

SECTION 2.2.1 VET STUDENT LOAN WITHDRAWAL, CANCELLATION & REFUND POLICY

The Australian Ballet School

RESPONSIBLE: Board/Audit Risk & Compliance Committee

THIS VERSION APPROVED BY THE BOARD: July 2022 (RTO Compliance)

REVIEW DATE: July 2024

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 Dance (Elite Performance);
- Advanced Diploma of Dance (Elite Performance); and,
- Graduate Diploma in Classical Ballet

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

The School is also a VET Student Loans-registered (VETSL) provider and as such must comply with the <u>VET Student Loans Act 2016</u> and <u>VET Student Loans Rules 2016</u> of the Commonwealth Government – **DEWR** to ensure processes are in place for the assessment and handling of refunds for paid tuition fees or re-credit of VETSL balance, for the review of associated decisions and enrolment into part of a course a student had previously withdrawn from.

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 (referred to as a "reviewable decision").

2. PURPOSE

The purpose of this policy is to define the School's procedural and operating protocols as they relate to the management and administration of VETSL including as they specifically apply to withdrawal, cancellation, appeals and enrolment renewal into all or part of a course following prior withdrawal.

Related Policies & Documents:

- School: VET Student Loans Policy located at Policies - The Australian Ballet School

Code of Conduct (1.2)

Recognition of Prior Learning & Recognition of Current Competency (6.3.2),

(currently under review)

DEWR: <u>VET Student Loans Information Book</u>

eCAF Fact Sheet

<u>Student Obligations Fact Sheet</u> Student Progression Fact Sheet

3. WHO DOES THIS POLICY APPLY TO?

This policy applies to all Students of the School enrolled in the above defined accredited courses and includes those students in receipt of a Commonwealth VETSL (and also their parents/carers) to pay for all or some of their enrolled units of study.

Note: For enrolled "international" students the CRICOS (Commonwealth Register of International Courses

for **O**verseas **S**tudents) – ESOS Act 2018 "<u>Standard 9 of the National Code of Practice for Providers of </u>

<u>Education & training to Overseas Students</u>" (the Code) applies specific provisions in relation to deferral,

suspension and cancellation. See **Appendix 1** to this policy below.

4. **DEFINITIONS**

Census Date: Closing date for a student to apply for VET Student Loan assistance for that unit of study.

This date cannot be set earlier than the completion of 20% of the VET unit of study.

DEWR: Commonwealth – Department of Employment & Workplace Relations.

Officially Withdraw: A student completes the appropriate Enrolment Withdrawal documentation and submits it in accordance with requirements defined herein this Policy.

Reviewable Decision: A decision not to re-credit or remit a student's VETSL balance.

Special Circumstances: A situation that is unusual, uncommon or abnormal.

VET Unit of study: A component of a VET course of study fees and a census date are applied to.

5. PROCEDURES

A student a can withdraw from enrolment or have their enrolment suspended or cancelled.

This may be initiated by either the student for compassionate and compelling circumstances, or the School for a student's failure to pay fees, misbehaviour, failure to attend, or other condition/reason including:

- serious illness or injury where a medical certificate states 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 requiring emergency travel and this 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 but must have documentary evidence to support the claim.

The student submits a Withdraw From Unit Of Study/Course form (see Appendix 2) to the School Counsellor via email detailing the reason(s) for their request to defer or temporarily suspend studies.

WITHDRAW FROM UNIT OF STUDY/COURSE

The student submits a Withdraw From Unit Of Study/Course form (see Appendix 2) to the School Counsellor via email detailing the reason(s) for their request to defer or temporarily suspend studies.

On receipt the School Counsellor will:

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

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

Withdraw For Up To One (1) Semester

A student who, due to exceptional circumstance, is unable to commence studies prior to, or within less than 1 (one) semester of study commencement, will not be required to provide evidence of compassionate or exceptional circumstances.

The student's application is reviewed by the Director and more information requested if required.

If temporary withdrawal is approved by the Director:

- the student will be advised in writing of the approved withdrawal period and their new commencement date; and,
- the Executive Director is requested to arrange for the necessary amendments to the student's enrolment status on the Schools Student Management System.

Deferral of a student's enrolment may result in an increase in tuition, resource or materials fees and the student 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 the School Counsellor; and
- will have the decision reviewed by the Director in consultation with the School Counsellor and Executive Director, who will make a recommendation for the appeal to be upheld or refused.

Withdraw From Whole Of Course

A student who, because of exceptional circumstances, is unable to commence within 1 (one) semester **OR** whose study will be interrupted for greater than 1 (one) semester, is required to:

- formally withdraw from the course by completing and submitting the Withdraw From Unit Of Study/Course form, and,
- where such student seeks to enroll/re-enroll in that course, subject to fulfilling audition and enrolment pre-requisite requirements, will be enrolled/re-enrolled into that course with the School.
 - o the stage or level at which being subject to Recognition of Prior Learning/Recognition of Current Competency (RPL/RCC) considerations and the Director's approval.

ENROLMENT/RE-ENROLMENT INTO PART OF COURSE AFTER PRIOR WITHDRAWAL

Where a student who has previously withdrawn from a course or part of a course subsequently seeks to enroll/re-enroll in that course, the School provides for this subject to:

 the prospective student fulfilling the School's standing audition and enrolment pre-requisite requirements; and,

- the level or stage at which such student enters/re-enters the relevant course being subject to RPL/RCC considerations; and,
- the Director's approval.

6. VET STUDENT LOAN LIABILITY

VET Student Loan eligibility and liability occurs on a VET unit of study basis. Under *VET Student Loans Act 2016*, students do not incur a liability for a VET unit of study (VET Tuition fees) until <u>after</u> the census date.

This applies to all students enrolled in a VETSL applicable VET unit of study, whether they pay their tuition fees up-front or seek VET Student Loan assistance.

7. WITHDRAWING PRIOR TO THE END OF THE CENSUS DATE

Where a student provides notification of withdrawing from the VET unit of study, or VET course of study prior to the corresponding Census Date, (published in the School's <u>Student Handbook</u>) 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. WITHDRAWING AFTER THE CENSUS DATE

Once the Census Date has passed and if the student is still enrolled in the VET unit of study, the student becomes liable for the VETSL debt that occurs for each VET unit of study with a Census Date that has passed.

After the Census Date, a student may apply to have their VETSL balance re-credited if they have been unable to complete the requirements of a VET unit of study and the student believes that this was due to special circumstances.

9. RE-CREDITING VETSL BALANCE

To be eligible for re-crediting of a VETSL balance, 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.

The School must be satisfied the student's circumstances did not make their full impact until on or after the Census Date for a VET unit of study.

Special Circumstances which would make it impracticable for the student to complete requirements for the VET unit of study could include:

- <u>medical circumstances</u>: where a student's medical condition has changed to such an extent that they are unable to continue studying;
- <u>family/personal circumstances</u>: death or severe medical problems within a family, or unforeseen family financial difficulties, so that it is unreasonable to expect a student to continue studies;
- <u>employment related circumstances</u>: 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;

• <u>course related circumstances</u>: 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.

10. APPLYING FOR INITIAL REVIEW

A student can apply to the School to have their VETSL balance re-credited if they officially withdraw from their studies <u>after</u> the Census Date and/or the student has not completed the requirements for the VET unit of study.

The student must demonstrate or provide evidence of Special Circumstance.

The student must apply in writing to the School RTO Compliance Manager within 12 months of the official withdrawal date, or if the student has not 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 RTO Compliance Manager will consider the application within 10 business days of receipt of the application.

Applicants will be notified of the decision within a further 10 business days.

11.1 Successful Application:

If the application is successful, a *Notice of Decision* advice 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.

11.2. Unsuccessful Application

If the application is unsuccessful, the <u>Notice of Decision</u> advice 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 valid request for a review of this decision and who to contact for further information.

11. REVIEW PROCEDURE

Where an initial application by a student to re-credit their VETSL balance is unsuccessful and the student is

dissatisfied with this outcome, they can request that a formal reconsideration of a decision be made.

The review of the initial decision is undertaken by the Executive Director or their delegate, but cannot be the person who undertook the initial review.

Within 28 days from the date of receipt of the School's <u>Notice of Decision</u> advice of the outcome, the student can request the Executive Director to review the initial decision. The request must be in writing and specify reasons for seeking the review.

The Executive Director will acknowledge receipt of an application in writing informing the student they will be advised in writing of a decision within 45 days of receiving the application.

12.1 Successful Application:

If a student's application for review of the decision is successful, the <u>Notice of Decision</u> advice 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.

12.2. Unsuccessful Application:

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

The Notice will also inform the student of their right of appeal to the Administrative Appeals Tribunal (AAT) and provide contact details of the closest AAT and the approximate costs of making an application.

12. CANCELLATION OF ENROLMENT

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

- resulting from any activity it deems inappropriate (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 and staff, is not progressing towards a professional career in classical ballet;

as clearly prescribed within the School Student Handbook.

The Student Handbook sets out the School's Student Grievances, Complaints and Appeals processes and procedures for lodging an appeal.

Students have 28 days from the date of receipt of the School's <u>Notice of Decision</u> (cancellation of enrolment) for the student to request the Executive Director to review the initial decision.

The request must be in writing and specify reasons for seeking the review.

The Executive Director will formally acknowledge receipt of such an application and inform the student they will be advised in writing of a decision within 14 days of receipt of such application.

During this time the School will maintain a Student's enrolment.

13. KEEPING CONFIDENTIAL RECORDS

The School Registrar will ensure all documents connected with the application are maintained and stored in accordance with applicable Privacy legislation and the School's *Student Records Management Guidelines*.

The applicant must be given supervised access to the file on request, at no cost.

14. NOTIFICATION AND REPAYING VET STUDENT LOAN

If a successful application is made by a student and the decision of the School is to re-credit the student's

VETSL balance, the School Registrar will:

- notify DEWR through appropriate processes and documentation; and,
- arrange for repayment to the Commonwealth of any VET Student Loan assistance the School received on behalf of the student.

15. ACCESS AND EQUITY

The School is committed to adhering to access and equity in the implementation for this Policy. For more information, please visit the School's <u>Code Of Conduct</u>

APPENDIX 1:

INTERNATIONAL STUDENT DEFERRAL, SUSPENSION, OR CANCELLATION

BACKGROUND

<u>Standard 9 of the National Code 2018</u> (the Code) 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."

POLICY STATEMENT

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 the aforementioned *Standard 9 of the "National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018"* (the *Code*) that 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 compassionate or compelling 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:
 - o Inform the overseas student of that intention and the reasons for doing so, in writing.
 - 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 there is any deferral, suspension or cancellation action 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 his or her student visa.
- 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 the overseas student's enrolment under <u>Standard 9.3</u> of <u>the Code</u> cannot 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.

SCOPE

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

PROCEDURES

Deferral Or Suspension Initiated By Student

An international student can apply to defer or temporarily suspend their enrolment on compassionate grounds or for exceptional 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 where a medical certificate states the student was unable to attend classes.
- bereavement of close family members such as parents or grandparents (death certificate should be provided).
- major political upheaval or natural disaster in their home country requiring emergency travel and this 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 but must have documentary evidence to support the claim.

Note: Deferral due to lack of funds is not accepted by Immigration as a compassionate or compelling circumstance 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.

The student submits a <u>Withdraw From A Unit Of Study/Course</u> form (see Appendix 2) to the School Counsellor via email support@australianballetschool.com.au

detailing the reason(s) for their request to defer or temporarily suspend studies.

Defer/Withdraw From Unit Of Study/Course

This application/form must include documentary evidence to substantiate exceptional circumstances.

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 (1) semester of their studies, prior to commencement, will not be required to provide evidence of compassionate or exceptional circumstances.

The student's application is reviewed by the school Director and additional information is requested if required.

If the deferral or temporary suspension is approved the school Director 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 (Commonwealth) Department of Home Affairs, via the Provider Registration and International Student Management System (PRISMS) database, of the change to the student's course of study.

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 of the School 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 if they have breached the School <u>Code of Conduct</u> policy. The School will initiate suspensions and cancellations initiated by after consideration of all of the evidence presented. Depending on the nature of the breach, students may be excluded from classes during this time

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

- misbehaviour by the student;
- the student's failure to pay an amount that he or she was 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* (Overseas student visa requirements).

Before imposing a suspension or cancellation the School will:

- inform the student of that intention and the reasons for doing so, in writing;
- advise the student of their right to appeal through the Schools' internal <u>complaints and appeals</u> process, and recommend that the student contacts the (Commonwealth) Department of Home Affairs to discuss how a deferral or temporary suspension may impact their visa.

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

- inform the student of the need to seek advice from the Department of Home Affairs on the potential impact on their visa;
- and report the change to the student's enrolment under <u>s.19</u> of the <u>ESOS Act</u>.

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

If the student's appeal is successful, that is, the decision is made not to cancel or suspend the student's enrolment, the student will:

- be placed on an <u>Intervention Strategy</u> to ensure that the behaviour/breach is not repeated; and.
- will then be counselled as to the consequences of a suspension or cancellation of their enrolment should the issue continue.

APPENDIX 2:

WITHDRAW FROM A UNIT OF STUDY/COURSE

Please complete the following and return to the School's Student Counsellor in person or via email at: support@australianballetschool.com.au

Nam	e:	_		
Cour	se:	-		
Stud	ent ID No:			
Signe	ed:			
Date	d:			
СНО	OSE ONE OPTION:			
I wisl	h to be withdrawn from ALL units of study - tick box		0	
I wisl	OR h to defer my studies and supply supporting documentation - to	ck box		
	OR			
	notice confirms my intention to withdraw from udy) effective from			(Unit
	(Date Of Withdrawal)			
to m	erstand that if this is after the *census date (date/s available oake payment for the current unit of study. I am aware that I amoutstanding amounts owing from completed units.		-	
Signe	ed:			
Date	d:			
and i dro (subj	ne census date is the date in which your enrolment is considered is the last date you can op a course (subject) without receiving a financial penalty. If you fect) after this date you will still liable for any fees relating to the course (subject).			
VET S	Student Loans (if applicable):			
	I am withdrawing on/before my Census Date I wish to partial (continuing with my other units), and receive a refund of an my VET Student Loan or reduction to my Debit success payrunits; OR	y tuition f	fees and reduct	ion to

	I wish to fully withdraw from my course and receive a refund of fultion fees and reduction to my VET Student Loan for the above units/course (Note that an administration fee applies); OR				
□ by:	My unit/course has been cancelled by the School and I am entitled to a refund Authorized				
	Director:S	ignature:			
Withdr	rawal Reason:				
	Attained employment Didn't like or enjoy the course Doesn't align with career aspir Not ready to commence Financial stress Family related issues Injury or illness Study/work/life Other - please state	ations e balance			
Date R	eceived://				
Directo	or informed: Yes/No Yes/No	Date://	Meeting Arranged:		
Financial System Updated:					
Exit In	terview Arranged:				
Deferr Yes/N	ment Approved: Yes/I o	No Date:	Evidence Supplied:		
Staten	nent of Attainment Issued:				
Notes:	:				