

POLICIES RELATING TO THE HIGHER EDUCATION SUPPORT ACT (2003)

The passage of the Higher Education Support Act (2003) provides students enrolled in higher education courses conducted by private providers (such as the Australian College of Theology) access to an income contingent loans scheme for tuition fees. The Act can be viewed at—
<http://scaleplus.law.gov.au/html/pasteact/3/3633/top.htm>

The loans scheme is called FEE-HELP (Fee Paying Higher Education Loan Program).

Up to \$85,062 can be borrowed. FEE-HELP loans will attract an annual interest charge that will be pegged to rises in the consumer price index. The indexation figure is available on the Going to Uni website at www.goingtouni.gov.au. The taxable income threshold for 2009–2010 is \$43,150. The threshold will also rise annually in accordance with CPI increases. Each time a FEE-HELP loan is taken out for undergraduate and diploma units DEST will add a 20% loan fee to the total. The loan fee does not apply for postgraduate units and research units.

The scheme is fully described on the following website—

www.goingtouni.gov.au/main/resources/PublicationsAndLinks/FormsPublications.htm

As an approved Higher Education Provider (HEP) the Australian College of Theology must ensure that all students are treated fairly. The following policy documents relate to the ACT's obligations under the Higher Education Support Act (2003) and as an approved Higher Education provider (HEP).

- Dispute Resolution Policy for Domestic Students
- Re-crediting FEE-HELP Balance
- Cross-institutional Enrolment



DISPUTE RESOLUTION POLICY FOR DOMESTIC STUDENTS

The College provides processes for the handling of grievances brought by prospective, enrolled and former domestic students regarding academic and non-academic decisions.

General feedback and comment from students about administration, academic programs and services will not be treated by the ACT as a grievance unless action or a response is required under the policies or regulations of the ACT.

For the purposes of this policy academic decisions include:

- (a) results of intra-semester assessments and curriculum issues; and
- (b) grades awarded in a unit.

For the purposes of this policy all other academic decisions, including those relating to student admission or progression, curriculum and awards in a course of study, shall be dealt with in the manner of non-academic decisions.

Whenever possible, grievances will be handled at the affiliated college level and within the College. Formal procedures for the resolution of grievances will normally only be invoked when a matter cannot be resolved by informal means. However, should these internal processes not resolve the matter, provision is made for external independent grievance handling/dispute resolution by reference to the Council of Private Higher Education (COPHE). If COPHE makes recommendations in relation to a grievance they have reviewed, they will forward those recommendations within 10 working days of the decision to the ACT Dean, who will ensure that the recommendations are implemented within 25 working days.

Affiliated colleges are obliged to provide students with the information contained in this policy statement on request or, for enrolling students, at initial enrolment or within seven (7) days of starting an award course at an affiliated college of the ACT. Continuing students should have this policy brought to their attention at the commencement of each subsequent year of enrolment in units of their course.

Affiliated colleges must report formal complaints, and decisions reached, in their Annual Report to the Board of Directors of the ACT. A grievance is deemed formal when it is lodged in writing. The ACT Board has appointed the Dean of the College as the review officer in relation to the outcome of appeals made to the Principal of affiliated colleges.

If the Dean was involved in making the original decision that becomes the matter in dispute or the Dean is unavailable to participate in any resolution process below, another person of appropriate rank and expertise shall be appointed by the ACT Board Chair as the review officer in place of the Dean.

Appeals against Academic Decisions

Students concerned about an academic decision concerning curriculum/assessment in a unit of study, or final grade for a unit should initially discuss the concern informally with the relevant lecturer at their college of enrolment. In particular, following the release of results of intra-semester assessments (e.g. an essay), students may informally request that an assessment be reviewed by the lecturer of the unit of study. This should be done within twenty five (25) working days of the particular academic decision being made. The lecturer should deal with the issue promptly, giving a full explanation to the student of the reasons for the academic decision.

If the student's concerns cannot be resolved by the relevant lecturer, and/or the student alleges failure to

follow published procedures, the student may then choose to approach the Academic Dean of the affiliated college. The student may approach the Academic Dean on an informal basis, or else make the complaint formal by putting the grievance in writing, specifying the nature of the complaint and the grounds for their appeal. The student should do either of these things within 15 working days of the outcome of discussions with the lecturer.

Informal Complaints:

If the student chooses to approach the Academic Dean informally, this does not preclude later lodgement of the grievance formally in writing to the Academic Dean.

The Academic Dean should deal with informal complaints promptly, giving a full explanation to the student of the reasons for the academic decision.

Formal Complaints:

While not limited to the following, a student may normally appeal formally against the award of a grade only where:

1. the lecturer did not provide a unit outline as required; or
2. the assessment requirements as specified in the unit outline were varied in an unreasonable way; or
3. the examiner's judgement was not objectively applied because of prejudice against the individual candidate; or
4. a student is of the view that a clerical error has occurred in the computation of the grade; or
5. due regard has not been paid to the evidence of illness or misadventure if submitted by the specified date
6. a student is of the view that they have been disadvantaged in some way due to the conduct of their final examination.

The Academic Dean must acknowledge receipt of a formal complaint in writing within five (5) working days of receipt.

The Academic Dean must try to resolve the complaint within 15 working days of receiving the complaint. The Academic Dean may discuss the matter with both the student and the relevant lecturer in attendance. If the complaint relates to the mark for an intra-semester assessment, the Academic Dean may arrange for the assessment script to be marked by another lecturer in the student's college of enrolment.

Following investigation of the matter, the Academic Dean will advise the student in writing of his/her decision:

- (a) setting out the reasons;
- (b) advising that if the student does not agree with the decision, then the student has the right of formal appeal to the Dean of the ACT; and
- (c) giving the student a copy of this policy, if the student does not already have a copy.

Reference to the Dean of the ACT:

If the student's concerns cannot be resolved by the Academic Dean of an affiliated college, and/or the student alleges a failure to follow published procedures, the student may formally approach the Dean of the ACT by putting the complaint in writing and lodging it within 15 working days of receipt of the written response by the Academic Dean. Again the nature of the complaint and the grounds for appeal should be detailed.

The Dean must acknowledge receipt of the formal complaint in writing within five (5) working days of receipt.

The Dean must try to resolve the complaint within fifteen (15) working days of receiving the complaint. If the complaint relates to the mark for an intra-semester assessment, the Dean may appoint an independent assessor who will remark the assessment script under dispute. A fee may be charged if the student had been awarded a passing grade or higher for the assessment script or unit grade under dispute.

Following investigation of the matter, the Dean will advise the student in writing of his/her decision:

- (a) setting out the reasons;
- (b) if the complaint relates to the mark on an intra-semester assessment, advising that his/her decision is final; and,
- (c) giving the student a copy of this policy, if the student does not already have a copy.

If the student's concerns cannot be resolved by the Academic Dean of an affiliated college, and/or the student alleges a failure to follow published procedures, the student may formally approach the Dean of the ACT by putting the complaint in writing and lodging it within 15 working days of receipt of the written response by the Academic Dean. Again the nature of the complaint and the grounds for appeal should be detailed.

The Dean must acknowledge receipt of the formal complaint in writing within five (5) working days of receipt.

The Dean must try to resolve the complaint within fifteen (15) working days of receiving the complaint.

Following investigation of the matter, the Dean will advise the student in writing of his/her decision:

- (a) setting out the reasons for the awarding of the final grade for the unit;
- (b) advising that if the student does not agree with the decision, then the student has the right of formal appeal to an independent external agency; and
- (c) giving the student a copy of this policy, if the student does not already have a copy.

Appeals regarding Other Academic and non-Academic/Administrative Decisions

Other Academic and Non-academic/administrative decisions are not limited to, but include, matters related to fees, withdrawals, etc., and other decisions students may consider are interfering with the progress of their studies or with issuing of an award of the College.

In the first instance, a student who is concerned about a decision made or action taken by their affiliated college should discuss their grievance with the Registrar (or equivalent) at their college of enrolment. The Registrar will promptly notify the student of any action taken or any decision made by them in relation to the grievance.

If, following the notification from the Registrar, the student's grievance is not resolved to their satisfaction or the student alleges a failure to follow published procedure, the student should seek advice from the Registrar concerning to whom the student may next address their grievance. If the matter relates to the affiliated college, the student may address their grievance to the Principal; if the matter relates to ACT policy or regulations, the student may address their grievance to the ACT Academic Administrator. The Registrar will give the student a copy of this policy.

If the student's concerns cannot be resolved by the Registrar of an affiliated college, and/or the student alleges a failure to follow published procedures, the student may formally approach the Principal of the affiliated college by putting the complaint in writing and lodging it within 15 working days of receipt of the notification from the Registrar. Again the nature of the complaint and the grounds for appeal should be detailed.

If the Principal was involved in making the original decision that becomes the matter in dispute or the Principal is unavailable to participate in the resolution process, another person of appropriate rank and expertise shall be appointed by the Chair of the affiliated college Council (or equivalent) as the review officer in place of the Principal.

The Principal must acknowledge receipt of the formal complaint in writing within five (5) working days of receipt.

The Principal must try to resolve the complaint within fifteen (15) working days of receiving the complaint.

Following investigation of the matter, the Principal will advise the student in writing of his/her decision:

- (a) setting out the reasons for the awarding of the final grade for the unit;
- (b) advising that if the student does not agree with the decision, then the student has the right of formal appeal to the Dean of the ACT; and
- (c) giving the student a copy of this policy, if the student does not already have a copy.

Reference to the ACT:

If the student's concerns relate to ACT policy or regulations and have not been resolved by the Registrar of the affiliated college, or the student alleges failure to follow procedures, the student may choose to formally approach the Academic Administrator of the ACT. The student should put the complaint in writing to the ACT Academic Administrator within 15 working days of the outcome of discussions with the Registrar, specifying the nature of the complaint and the grounds for their appeal.

The ACT Academic Administrator must acknowledge receipt of a formal complaint in writing within five (5) working days of receipt.

The ACT Academic Administrator must try to resolve the complaint within 15 working days of receiving the complaint.

Following investigation of the matter, the ACT Academic Administrator will advise the student in writing of his/her decision:

- (a) setting out the reasons;
- (b) advising that if the student does not agree with the decision, then the student has the right of formal appeal to the Dean of the ACT; and
- (c) giving the student a copy of this policy, if the student does not already have a copy.

If the student's concerns cannot be resolved by the ACT Academic Administrator, or the student alleges failure to follow procedures, the student may formally approach the Dean of the ACT by putting the complaint in writing and lodging it within 15 working days of receipt of the written response by the ACT Academic Administrator. Again the nature of the complaint and the grounds for appeal should be detailed.

The Dean must acknowledge receipt of the formal complaint in writing within five (5) working days of receipt.

The Dean must try to resolve the complaint within fifteen (15) working days of receiving the complaint.

Following investigation of the matter, the Dean will advise the student in writing of his/her decision:

- (a) setting out the reasons;
- (b) advising that if the student does not agree with the decision, then the student has the right of formal appeal to an independent external agency; and
- (c) giving the student a copy of this policy, if the student does not already have a copy.

External Dispute Resolution

Students who remain dissatisfied with the outcome of any appeal, except those related to a mark for an intra-semester assessment, can make a final appeal free of charge to the Council of Private Higher Education (COPHE), c/- the Executive Officer, PO Box 4210,

Castlecrag, NSW, 2068 (02 9417 0834). Such appeals should be in writing. The staff at affiliated colleges and the ACT are also able to make representation to COPHE regarding the matter. Students can include a nominee in this process if they so choose. Decisions of COPHE shall be final and binding on all parties.

External Formal Concern

Notwithstanding the above, in matters of dispute resolution, students may exercise their rights to other legal remedies and may contact the higher education authority in their state. Contact details for the higher education authority in each state where the ACT is the registered provider are listed below. Students can include a nominee to represent them in this process if they so choose.

If a domestic student is concerned about the College's actions at any stage on any issue, the student may raise concerns with respect to the ACT's registration as an education and course provider to students with the higher education authority in the state in which their enrolling college is located.

In New South Wales

Higher Education Directorate
NSW Department of Education and Training
GPO Box 33
SYDNEY NSW 2001
Ph: (02) 9561 8656
Fax: (02) 9561 8681
Email: highered@det.nsw.edu.au

In Victoria

Office of Training and Tertiary Education
Department of Innovation, Industry and Regional Development
PO Box 266 Melbourne, Victoria 3001
Ph: (03) 9637 2808
Fax: (03) 9637 2720
Email: highered@edumail.vic.gov.au

In Western Australia

Department of Education Services
PO Box 1766
Osborne Park WA 6916
Ph: (08) 9441 1900
Fax: (08) 9441 1950

In Queensland

The Director
The Office of Higher Education
PO Box 15033
City East Qld 4002
Ph: (07) 3237 0390
Fax: (07) 3237 1444
Email: Enquiries.OFFICEHE@qed.qld.gov.au

In South Australia

Department of Further Education, Employment, Science and Technology
GPO Box 320
Adelaide SA 5001
Ph: (08) 8226 3182,
Fax: (08) 8226 0429
email: korobacz.vic@saugov.sa.gov.au

In Tasmania

Tasmanian Qualifications Authority
PO Box 147
Sandy Bay TAS 7006
Ph: (03) 6233 7948
Fax: (03) 6224 0175
Email: reception@tqa.tas.gov.au

In each state the Director-General (or equivalent) has the power to suspend or cancel the provider's registration or a course if a breach of the requirements of registration provision is proved.



RE-CREDITING FEE-HELP BALANCE

All approved colleges are required to publish this policy in their student handbooks and to provide a copy of the policy when students submit their enrolment form.

Census Dates and FEE-HELP Debt

If a student who has requested FEE-HELP assistance withdraws from a unit of study *on or before* the census date for that unit of study, the student will not incur a FEE-HELP debt for that unit of study.

If a student who has requested FEE-HELP assistance withdraws from a unit of study *after* the census date for that unit of study the student will incur a FEE-HELP debt for that unit of study.

Census dates for semester length units are March 31 (semester one) and August 31 (semester two). The dates for intensive mode units are set individually and students should obtain the due dates from their college of enrolment.

Re-crediting a Person's FEE-HELP Balance

The student may apply after the census date to have their FEE-HELP balance re-credited if the student has been unable to complete the requirements of a unit of study and the student believes that this was due to special circumstances. Where a request to re-credit a person's FEE-HELP balance is granted, a student's FEE-HELP debit is removed and the amount of FEE-HELP paid to the College on behalf of the student will be refunded.

A person can apply to the College to have their FEE-HELP balance re-credited if he or she withdraws from his or her studies after the census date and/or the person has not completed the requirements for the unit of study. The person must apply in writing, within 12 months of the withdrawal date, or if the student has not withdrawn, within 12 months of the end of the period of study in which the unit of study was or was to be undertaken. The College can exercise the discretion to waive this requirement if it is satisfied that the application could not be made within the time limit.

The College's FEE-HELP Re-crediting Officer will consider the student's application within 28 days of receiving the student's written application.

The College will re-credit a person's FEE-HELP balance if it is satisfied that special circumstances apply to the person that are:

- beyond the person's control;
- do not make their full impact on the person until on, or after, the census date; and
- make it impracticable for the person to complete the requirements for the unit during the period in which the person undertook, or was to undertake the unit.

The College will be satisfied that the person's circumstances are beyond the person's control if a situation occurs which 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. The situation must be unusual, uncommon or abnormal.

The College will be satisfied that a person's circumstances did not make their full impact until on or after the census date for the unit of study if the person's circumstances occur:

- (a) before the census date, but worsen after that day; or
- (b) before the census date, but the full effect or magnitude does not become apparent until on or after that day; or
- (c) on or after the census date.

Special circumstances would make it impracticable for the person to complete the requirements for the unit of study would include:

- (a) medical circumstances; or
- (b) family circumstances; or
- (c) personal circumstances; or
- (d) employment related circumstances; or
- (e) course of study related circumstances.

Each application will be examined and determined on its merits. The FEE-HELP Re-crediting Officer will consider a person's claims, together with independent supporting documentary evidence that substantiates these claims.

The FEE-HELP Re-crediting Officer will notify the person of the decision and the reasons for making the decision. The Officer will advise the applicant of their

rights for a review of the decision if the applicant is unsatisfied with the outcome.

If the decision is made to re-credit the FEE-HELP balance, the College will notify DEST, and will repay to the Commonwealth any FEE-HELP assistance received from it on the person's behalf. DEST will inform the Australian Taxation Office that the debit has been removed.

Review of the Original Decision

Where a student is not satisfied with the decision made by the FEE-HELP Re-crediting Officer, they may apply in writing for a review of the decision. The Review Officer, appointed by the Board of Directors, is the Dean of the College.

The time limit for applying for a review of the decision is 28 days from the person receiving notice of the decision. The person must state the reasons why he or she is applying for a review. The Review Officer will notify the applicant of his decision and the reasons for making the decision.

The Reviewer Officer's available options are to:

- confirm the decision;
- vary the decision; or
- set the decision aside and substitute a new decision.

The Review Officer will advise the applicant of his or her right to appeal to the Administrative Appeals Tribunal for a review of the Reviewer's decision if the applicant is unsatisfied with the outcome and will provide the applicant with the contact details and address of the nearest AAT registry.

The Review Officer must acknowledge receipt of an application for a review of a decision in writing and will inform the applicant that, if the Reviewer has not advised the applicant of a decision within 45 days of receiving the application for review, the Reviewer is taken to have confirmed the original decision.

Where a student is not satisfied with the reviewed decision made by the review officer, they may apply to the AAT for a further review of the decision not to re-credit a person's FEE-HELP balance. The student may supply additional information to the AAT that he or she did not previously supply to the College (including the College's Review Officer).

Contact Persons

The current FEE-HELP Re-crediting Officer is the Academic Administrator of the Australian College of Theology.

The contact details are—
The Australian College of Theology
Suite 4, Level 6
51 Druiitt Street
Sydney NSW 2000

ph. 02 9262 7890
 fax: 02 9262 7290
 email: abates@actheology.edu.au

The Board of Directors of the College has appointed the Dean of the College as the Review Officer of decisions made by the Academic Administrator.

The contact details are—
 The Australian College of Theology
 Suite 4, Level 6
 51 Druitt Street
 Sydney NSW 2000
 ph. 02 9262 7890
 fax: 02 9262 7290
 email: mharding@actheology.edu.au



CROSS INSTITUTIONAL ENROLMENT

Cross Institutional Applications are available through the Australian College of Theology. Application forms are available from your primary sponsoring ACT college. All applicants need to ensure that once completed, the application form should be lodged well in advance of the various deadlines, as later applications will not be accepted.

Definition of Cross Institution Student

Students who are currently enrolled in an award at another Higher Education Provider and who provide documentary evidence that nominated units completed at the ACT will count towards that institution's award.

Documentation needed

For the purposes of Cross Institutional study, the ACT is the "host institution" and your current non-ACT college is the "home institution".

Original documents required include:

- A current official transcript of your current program of study available from your home institution. Certified copies are also acceptable.
- You will also need to provide the ACT with a letter of authority from your home institution, stating clearly that you have permission to undertake Cross Institutional study at the ACT in the units of study concerned. [Emails from administrators/lecturers are not acceptable forms of correspondence.]
- Cross Institution students will pay for any unit(s) undertaken at the ACT (i.e. request for FEE-HELP forms need to be completed for the ACT).

The above documents should be supplied to your primary sponsoring ACT college with your application.

Withdrawal

As an enrolled cross institution student you cannot add any units to your approved program

To withdraw from a cross institution unit you must complete a change of enrolment form at your primary sponsoring ACT college. Any withdrawal from a cross institution unit must be completed before the census date. Failure to do so will lead to both academic and financial penalties.

Further information

If you would like further information about Higher Education Fees please visit the following website—
www.goingtouni.gov.au

