

CONSIDERATION OF SPECIAL CIRCUMSTANCES POLICY AND PROCEDURE



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1 PURPOSE

- 1.1 This policy and procedure outlines how students can withdraw from units without academic or financial penalty at CQUniversity.

2 SCOPE

- 2.1 This policy and procedure applies to CQUniversity students enrolled in Enabling, vocational education and training (VET) and higher education coursework courses (including hyperflexible).
- 2.2 This policy and procedure does not apply to students enrolled in research higher degrees or other non-award courses (including English Language Intensive Courses for Overseas Students (ELICOS)).

3 POLICY STATEMENT

- 3.1 Students may need to withdraw from a unit/s after the [census date](#) (or equivalent) of a study period. Students are still financially liable for [student services and amenities fees](#), [student contribution amounts](#), [HECS-HELP](#), [FEE-HELP](#) or [tuition fees](#) in that study period; however, may be able to apply to remove their academic penalty and financial liability for an amount equivalent to the value of the related unit enrolment/s if they withdraw due to special circumstances.

- 3.2 [Commonwealth supported students](#) may also be eligible for a re-credit/remission/repayment of the student contribution amount, HECS-HELP debt or FEE- HELP debt for a unit due to special circumstances as specified in the [Higher Education Support Act 2003](#) (Cwlth) and the [Higher Education Support \(Administration\) Guidelines 2022](#) (Cwlth).
- 3.3 Student services and amenities fees are not included in consideration of special circumstance applications and will not be refunded.

4 PROCEDURE

Timelines

- 4.1 Applications must be made using the [Consideration of Special Circumstances Application Form](#) within 14 months of the date the unit was withdrawn or, if the unit has not been withdrawn, within 14 months of the [census date \(or equivalent\)](#) in which the unit was, or was to be, undertaken.
- 4.2 If an extension has been granted by the University to complete the unit requirements, the Coordinator Academic Progression will determine the deadline to submit [Consideration of Special Circumstances Application Form](#).
- 4.3 Applications made more than 14 months after the unit was withdrawn or census date (or equivalent) in which the unit was, or was to be, undertaken, will not be considered regardless of whether the unit is withdrawn or not.

Eligibility

- 4.4 The following criteria must be met to apply for a consideration of special circumstances:
- the student remained enrolled in the unit/s after the [census date \(or equivalent\)](#)
 - the student did not successfully complete the requirements of the unit/s
 - the application was submitted via the [approved form](#), and includes all required [supporting documentation](#), and
 - the application is made within 14 months from the date the student withdrew from the unit/s or, if the student did not withdraw from the unit/s, within 14 months from the census date (or equivalent) for the study period during which the unit/s was or was to be undertaken.

Criteria

- 4.5 Students impacted by short-term special circumstances should consider adjustments to assessment, such as deferred examinations and assessment extensions (Refer to the [Assessment Policy and Procedure \(Higher Education Coursework\)](#) or [Student Assessment Procedure \(VET\)](#)).
- 4.6 Due to the nature of hyperflexible courses, students enrolled in this study mode must demonstrate that their circumstances would impact them for a significant duration of time.
- 4.7 Failure to meet any progressive requirements of the unit/s prior to the special circumstances developing does not necessarily mean that the special circumstances made it impracticable for the student to complete the course requirements. For example, if the student needed to pass all assessment items in order to pass the unit, and they had already failed one of those assessment items before the special circumstance (e.g. ill health) occurred, the student could not have passed the course even if they had not fallen ill, therefore the application is likely to be refused.
- 4.8 Special circumstances are considered:
- a) circumstances beyond a student's control
 - b) circumstances that did not make their full impact until on or after the [census date \(or equivalent\)](#), and
 - c) circumstances that make it impracticable for the student to complete the requirements.

Circumstances beyond a student's control

- 4.9 Circumstances are considered beyond a student's control if a reasonable person would consider them to be:
- unusual, uncommon or abnormal, and
 - not due to any action or inaction on the part of the student, and therefore not the responsibility of the student.

Circumstances that did not make their full impact until on or after the census date (or equivalent)

- 4.10 Circumstances are considered not to make their full impact until on or after the census date (or equivalent) for a unit of study if the circumstances occur:
- a) before the census date (or equivalent), but worsen after that day
 - b) before the census date (or equivalent), but the full effect or magnitude does not become apparent until on or after that day, or
 - c) on or after the census date (or equivalent).

Circumstances that make it impracticable for the person to complete the requirements of the unit

- 4.11 Circumstances where it would be considered impracticable for a student to complete the requirements for the unit of study if the student undertook, or was to undertake, the unit include:
- a) medical circumstances — for example, where a student's medical condition has changed to such an extent that he or she is unable to continue studying
 - b) family or personal circumstances — for example, 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
 - c) employment related circumstances — for example, where a student's employment status or arrangements have changed so that the student is unable to continue his or her studies, and this change is beyond the student's control, or
 - d) course related circumstances — for example, where the University has changed the unit it offered, and the student is disadvantaged by either not being able to complete the unit, or not being given credit towards other units or course.
- 4.12 Students must demonstrate their circumstances caused them to be totally or significantly unable to:
- a) attend sufficient classes or meet other compulsory attendance requirements
 - b) complete any necessary private study or preparation for completing compulsory unit of study requirements
 - c) complete compulsory assessment tasks or requirements, or
 - d) meet any other coursework requirements relevant to the affected unit/s of study.

Situations not considered special circumstances

- 4.13 Special circumstances do not include:
- a lack of knowledge or understanding of census dates or withdrawal procedures
 - a student forgetting they are enrolled in a unit
 - forgetting to drop a unit
 - a lack of knowledge of, or inability to repay a [HECS-HELP](#) or [FEE-HELP](#) debt
 - predictable emotions such as nervousness and stress associated with assessments
 - personal events such as birthdays, weddings or travel plans
 - minor ailments or illness where you are still capable of completing assessments, or
 - information and communications technology problems – except where they could not have been prevented, avoided or the effects minimised by reasonable diligence by the student.

Supporting documentation

- 4.14 All applications must include a student statement that outlines the circumstances, and independent supporting documentation to verify the circumstances. Applications which include a statement or statutory declaration without independent supporting documentation will not be accepted.
- 4.15 Supporting documentation must be provided with all applications, and:
- describe what happened in detail
 - demonstrate the impact of the circumstances and how they made it impracticable for the student to complete the requirements of the unit
 - explain how these circumstances were out of the student's control
 - include the period of time when the student was affected
 - be truthful and accurate, and
 - be in English.
- 4.16 The University will not seek additional supporting information from persons (e.g. doctors) the student identifies in their application.
- 4.17 The [Appendices](#) provide further information required supporting documentation for each special circumstance.

Application process

Submission

- 4.18 Applications must be submitted via the [Consideration of Special Circumstances Application Form](#).
- 4.19 Students will receive acknowledgement of receipt of each application via their CQUniversity student email account.
- 4.20 An application will not be eligible for submission until all required fields are completed, and supporting documentation has been attached.
- 4.21 Separate applications must be submitted if the student is applying for special circumstances for more than one study period.
- 4.22 Students may only apply for special circumstances once per enrolment attempt.

Assessment

- 4.23 The Coordinator Academic Progression will assess each application in accordance with this policy and procedure.
- 4.24 Further information may be requested for applications with insufficient information or documentation. Students will have 28 calendar days to supply the additional information via the online form. If further information is not supplied in the timeframe, the application will be assessed as submitted.
- 4.25 Applications will be assessed based on the information and documentation provided by the student. Assumptions about the student's special circumstances will not be made.

Notice of decision

- 4.26 Students will be notified, via their CQUniversity student email account, of the outcome of their application, within 28 calendar days of the date the application was received by the University.
- 4.27 The notice of decision will contain the following information:
- the decision

- reasons for the decision, and
- how to apply for a review if the application is not successful.

4.28 After a decision has been made by the Coordinator Academic Progression, additional information or supporting documentation can be considered only as part of a review or appeals process.

Approved applications

4.29 Students with successful applications will have any academic penalty associated with their units removed.

Credit balance

4.30 Approved applications will have any payments credited to the student's University account. If a student wishes to have a credit balance refunded they can apply for a refund in accordance with the [Student Refund and Credit Balance Policy and Procedure](#).

HECS-HELP loan students

4.31 Students who have a [HECS-HELP](#) loan for their [student contribution amount](#) will have the debt remitted by the Australian Taxation Office (ATO) on advice from the University (this includes any amounts incurred due to indexation), and their [student learning entitlement](#) re-credited to an amount equal to the equivalent full time study load (EFTSL) value of the course/s.

Partial up front HECS-HELP students

4.32 Students who partially paid their student contribution amount up front will have this amount credited to their University account. Students can either leave the credit balance on their University account as credit towards a future study period, or apply for a refund in accordance with the [Student Refund and Credit Balance Policy and Procedure](#).

4.33 The remaining HECS-HELP debt will be remitted by the ATO, on advice from the University (this includes any amounts incurred due to indexation). The student learning entitlement will also be recredited to an amount equal to the EFTSL value of the course/s.

Full up front HECS-HELP students

4.34 Student who paid their student contribution amount up front will have this amount credited to their University account, and the student learning entitlement re-credited to an amount equal to the EFTSL value of the course/s.

4.35 Students can either leave the credit balance on their account towards a future study period, or apply for a refund in accordance with the Student Refund and Credit Balance Policy and Procedure.

FEE-HELP loan students

4.36 Students who incurred a [FEE-HELP](#) debt for their course/s will have the debt remitted by the ATO on advice from the University and the FEE-HELP balance re-credited (this includes any amounts incurred due to indexation).

Tuition fee students:

4.37 Students who paid their [tuition fees](#) up front will have this amount credited to their University account.

4.38 Students can either leave the credit balance on their account towards a future study period or apply for a refund in accordance with the [Student Refund and Credit Balance Policy and Procedure](#).

Appeals and reviews

4.39 If a student believes the University has not met the requirements outlined in this policy and procedure, or that not all of the relevant information has been taken into account, they may submit an appeal to the Director Student Central (via studentgovernance@cqu.edu.au) no later than 28 calendar days after the notice of

decision. An outcome, justifying the reasons for the decision, will be provided in writing to the student's CQUniversity email account within 45 calendar days of the appeal being received.

- 4.40 If an appeal application is unsuccessful, and a student has further concerns over the application of this policy and procedure, they can request a review from the [Student Ombudsman](#). The Student Ombudsman will review the student's application and make a recommendation to the Director Student Central. A further outcome, justifying the reasons for the decision, will be provided in writing to the student's CQUniversity email account.

External complaints

- 4.41 If all internal procedures have been followed, but the complainant does not feel the problem has been resolved or does not feel they have been dealt with fairly, they may lodge a complaint to an external body. Time limits for lodging an external complaint may apply.
- 4.42 Complainants have a right to access an external complaints process at minimal or no cost. A list of external bodies who provide these processes is provided on the University's [website](#).
- 4.43 Decisions made under the [Higher Education Support Act 2003](#) (Cwlth) can also be reviewed by the [Administrative Appeal Tribunal](#). Applications submitted through the Administrative Appeal Tribunal will incur a cost.

5 RESPONSIBILITIES

Compliance, monitoring and review

- 5.1 The Director Student Central is responsible for implementing, monitoring, reviewing and ensuring compliance with this policy and procedure.

Reporting

- 5.2 The University will report data to the Australian [Department of Education](#) in accordance with its legislative obligations.

Records management

- 5.3 Employees must manage records in accordance with the [Records Management Policy and Procedure](#). This includes retaining these records in a recognised University recordkeeping information system.
- 5.4 University records must be retained for the minimum periods specified in the relevant [Retention and Disposal Schedule](#). Before disposing of any records, approval must be sought from the Records and Privacy Team (email records@cqu.edu.au).

6 DEFINITIONS

- 6.1 Terms not defined in this document may be in the University [glossary](#).

Terms and definitions

Census date (or equivalent): the [census date](#) or the date a student becomes financially liable.

Student contribution amount: an amount paid by commonwealth supported students towards the cost of their education, calculated for each study period of enrolment and based on the individual units enrolled in.

Student learning entitlement (SLE): the timeframe used to measure how long a student can be enrolled in a Commonwealth supported place.

Student services and amenities fees (SSAF): a compulsory fee charged by universities and other higher education providers to fund and improve services and amenities of a non-academic nature.

7 RELATED LEGISLATION AND DOCUMENTS

[Consideration of Special Circumstances Application Form](#)

[Higher Education Support Act 2003](#) (Cwlth)

[Higher Education Support \(Administration\) Guidelines 2022](#) (Cwlth)

[Professional Practitioner Certificate](#)

[Contact the Student Ombudsman eForm](#)

[Student Refund and Credit Balance Policy and Procedure](#)

8 FEEDBACK

8.1 Feedback about this document can be emailed to policy@cqu.edu.au.

9 APPROVAL AND REVIEW DETAILS

| Approval and Review | Details |
|------------------------------|----------------------------------|
| Approval Authority | Vice-Chancellor and President |
| Delegated Approval Authority | Vice-President (Student Success) |
| Advisory Committee | N/A |
| Required Consultation | N/A |
| Administrator | Director Student Central |
| Next Review Date | 10/07/2026 |

| Approval and Amendment History | Details |
|--------------------------------------|--|
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| Notes | This document consolidated and replaced the Removal of Financial Liability due to Special Circumstances Policy and Procedure and Application for Withdrawal without Academic Penalty in Special Circumstances (approved 10/07/2023). |

10 APPENDICES

Appendix A – required supporting documentation

- 10.1 Below is a list of the supporting documentation required for some special circumstances. [Appendix B](#) provides further guidance on the supporting documentation types.
- 10.2 Applications which include a student statement or statutory declaration without independent supporting documentation will not be accepted.

| Special circumstance | Supporting documentation required |
|---|---|
| Illness or injury | <p>Provide one of the following:</p> <ul style="list-style-type: none"> • a current professional practitioner certificate, or • a medical certificate that contains the same information as a professional practitioner certificate, indicating the degree and period of time a student is impacted. <p>Most registered medical/health practices offer medical certificates (by email) for online or phone consultations.</p> |
| Technical issue | <ul style="list-style-type: none"> • Student statement which clearly outlines the nature of the technical issue, when it occurred, and what was done to try to resolve it, and • documents supporting the technical issue, such as one of the following: <ul style="list-style-type: none"> ○ screenshots or photos of error with timestamp, or ○ emails from University employees confirming the issue (such as a Technology and Services Assistance Centre (TaSAC) request). |
| Death of a close family member or friend | <ul style="list-style-type: none"> • Written evidence such as an obituary or funeral notice, and • a completed professional practitioner certificate listing dates that you are experiencing ongoing effects limiting your ability to study or complete assessments. <p>Students unable to obtain a professional practitioner certificate may include a statutory declaration outlining their circumstances. The statutory declaration must indicate how the student's ability to study has been impacted by the circumstances.</p> |
| Unexpected primary carer responsibilities | <p>Provide one of the following documents:</p> <ul style="list-style-type: none"> • professional practitioner certificate indicating the student's primary carer responsibilities, or • a statutory declaration indicating how primary carer responsibilities impacted the student's ability together with other independent documentation that verifies the carer responsibilities |
| Natural disaster | <ul style="list-style-type: none"> • A statutory declaration, and • a copy of a public record such as a weather report or online media coverage. |

| | |
|---|--|
| Employment reasons | <ul style="list-style-type: none"> • An official letter from the student's employer. <p>NOTE: Choosing to increase hours of work or to undertake additional employment is not regarded as a circumstance beyond a student's control.</p> |
| Other personal misadventure | <ul style="list-style-type: none"> • A statutory declaration and appropriate supporting documents (for example an eviction notice or a police report), or • An official letter from a CQUniversity counsellor or similarly qualified professional. |

Appendix B – supporting documentation explained

Professional practitioner certificate

10.3 This [certificate](#) needs to include the following:

- name and address of the [doctor](#) issuing the certificate
- name of the patient
- date on which the examination took place
- date on which the certificate was issued
- the duration (giving start and end dates) which the patient was impacted by the medical condition, and
- the criteria by which special circumstances are considered are met.

Statutory declaration

10.4 A [statutory declaration](#) is a signed, written statement that allows a person to declare something to be true in the presence of an authorised witness.

10.5 Statutory declarations should include:

- the student's full name and student number
- a statement about the impact of the illness, injury, misadventure or essential commitment on the student's ability to attend classes, learn or complete assessment requirements
- a statement describing the duration of the impact (including a start and end dates)
- if the circumstances are of a sensitive nature, provide an indication when the student will be able to complete their assessment or return to studies. If the student needs more time at the end of this period, they can submit another application, and
- details of any group work that might be affected.

Obituary, funeral notice or funeral program

10.6 A dated obituary from a newspaper, a funeral notice or funeral program that includes:

- the full name of the deceased person, and
- the funeral date.

10.7 Students who need to travel interstate or overseas for the funeral will need to provide supporting documents such as a travel itinerary or statutory declaration for the additional time they are away.

Eviction notice

10.8 The notice needs to include:

- official landlord (if applicable) or residential agency letterhead
- the student's full name
- date of terminated tenancy
- signature from appropriate representative
- representative phone number, and
- date the notice was created.

Police report

10.9 This is produced by the police and should include:

- the student's full name

- a claim number or charge sheet
- a signature from police
- a police phone number
- the date the report was created, and
- the date the incident occurred.

10.10 If a police report is unavailable when submitting an application, students can provide a statutory declaration that includes how the incident has affected their studies, along with a police event number, which is evidence a crime has been reported.

Official letter

10.11 This should be written on an official letterhead and needs to include:

- the student's full name
- the details of the student's special circumstances
- the impact on the student's ability to study
- outline the duration (giving start and end dates) of impact
- a physical signature and phone number of an appropriate representative, and
- the date the statement was created.