Removal of Courses Due to Special Circumstances Procedure

Section 1 - Purpose and Scope

(1) A student who is enrolled in a course after the census date remains financially liable for the student contribution amount, HECS-HELP loan, FEE-HELP loan or tuition fees incurred for the course. A student who is enrolled in a course and withdraws after the last date to drop the course without academic penalty will incur academic penalty (i.e. a failing grade).

(2) Where a student is unable to meet the requirements of a course due to special circumstances that arise after census date, they may apply for removal of the course from their enrolment without academic penalty or financial liability in accordance with this Procedure.

(3) This Procedure enacts the requirements for:

a. Removal of financial liability for a course after census date due to special circumstances under Student Fees Policy;
b. Withdrawal from a course without academic penalty after the relevant dates under Enrolment Procedure;
c. Change to a finalised grade due to special circumstances under Assessment Procedure;
d. Re-credit/remission/repayment of the Student Contribution Amount, HECS-HELP debt or FEE- HELP debt for a course due to special circumstances as specified in Section 36-20, Subsection 97-25(2), Subsection 104-25(1) and Subsection 104-25(2) of the Higher Education Support Act 2003 (HESA) and the Administration Guidelines 2012;
e. Exclusion of a course from the minimum pass rate requirements calculation for continued access to Commonwealth support on the basis of special circumstances as specified in Section 36-13 and section 104-1A of HESA; and
f. Issuing a notice of review rights set out in the Administrative Review Tribunal Rules 2024, published by the Administrative Review Tribunal.

(4) This Procedure applies to all current and former students of The University of Queensland enrolled in a full-fee paying place or Commonwealth Supported Place, with the exception of students enrolled in a Shorter Form Credential, who can apply for removal of enrolment under the provisions of Shorter Form Credentials Admission, Enrolment, Fees and Assessment Procedure.

Section 2 - Process and Key Controls

(5) Removal of Course requests will be managed in accordance with the principles of procedural fairness and with transparency.

a. Decision makers must act impartially and without bias.
b. Removal of Course requests will be finalised within 60 calendar days of receipt of a complete application or appeal as relevant.

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c. Decisions will be communicated in writing and include the reasons for the decision as well as information on the appeal or review process (in the case of a negative outcome).
d. Where a student submits an appeal against the initial decision, the appeal must be considered by a person other than the initial decision maker.
e. Requests will only be approved if the threshold criteria have been met and the decision maker is satisfied that the student has met the Special Circumstances Criteria. Other matters will not be taken into account.
f. Where a request is subject to a HESA requirement specified in section 1 of this Procedure, if the requirements for approval in HESA differ from the requirements of this Procedure, HESA will take precedence.

Section 3 - Key Requirements

Threshold Criteria

(6) A Removal of Course request must be submitted in writing in the form required by the Academic Registrar.

(7) Before considering the basis for the application, the decision maker must be satisfied that the following threshold criteria have been met:

a. The student was enrolled in the relevant course after the census date.
b. The student did not pass the course.
c. The application was submitted within the required timeframe as follows:
    i. For the initial application (unless a late application is accepted under the 'Requests Submitted Outside the Required Timeframe' provisions of this Procedure), the application was submitted within 12 months of:
        - the date of withdrawal from the relevant course (the course was dropped in SI-net); or
        - if the student did not withdraw from the relevant course and has received a final grade, the date on which the final grade for the course became available.
    ii. For an appeal, unless a late appeal is accepted under the 'Requests Submitted Outside the Required Timeframe' provisions of this Procedure, the appeal was submitted within 28 calendar days of the date of the decision specified in the notice of decision on the initial application.
d. In the case of students enrolled in a Commonwealth Supported Place, the relevant course, if successfully completed, would have contributed towards completion of the student's program.

(8) If the threshold criteria are not met, the decision maker will deny the request without further consideration of the student's circumstances.

Special Circumstances Criteria

(9) To meet the special circumstances criteria, the student must, with supporting documentation, demonstrate the existence of special circumstances and that:

a. the special circumstances were beyond the student's control; and
b. the special circumstances did not make their full impact on the student until on or after the census date; and
c. the special circumstances made it impracticable for the student to complete or pass the course.

Assessment of Special Circumstances Criteria

(10) Special circumstances may include (but are not limited to):

a. Medical circumstances;
b. Family/personal circumstances - such as death or severe medical problems within a family;
c. Employment related circumstances;
d. Course-related circumstances.

(11) Special circumstances do not include:

a. ignorance of University policies and procedures;
b. a lack of knowledge or understanding of census dates or withdrawal dates;
c. a lack of knowledge or understanding of your obligations when accessing Commonwealth Assistance;
d. forgetting you are enrolled;
e. forgetting to drop your enrolment before census date;
f. an inability to repay your HELP debt;
g. other reasons for not passing a course, such as failure to apply for an extension to progressive assessment, deferred examination or supplementary examination;
h. choosing to increase hours of work or to undertake additional employment.

(12) Special circumstances are considered to be beyond the student's control if a situation occurs which a reasonable person would consider is not due to the student's action or inaction, either direct or indirect, and for which the student is not responsible. The situation must be unusual, uncommon or abnormal.

(13) Special circumstances are considered to not have made their full impact on the student until on or after the census date if they occurred:

a. on or after the census date;
b. before the census date, but worsened after census date; or
c. before the census date, but the full effect or magnitude did not become apparent until on or after census date.

(14) Unless the provisions of clause 15 below apply, special circumstances are considered to have made it impracticable for the student to complete or pass the course if:

a. they directly lead to the student being unable to:
    i. meet any compulsory course attendance requirements (such as scheduled placements);
    ii. complete required assessment tasks;
    iii. take required examinations; or
    iv. meet any other compulsory course requirements because of their inability to meet i), ii) and iii) above; and
b. it is not possible for the student to meet the above requirements by accessing the provisions for reasonable adjustments, extensions to progressive assessment, deferred examinations and supplementary examinations as outlined in Assessment Procedure.

(15) If at the time the student's special circumstances emerged, it was already not practicable for the student to meet the requirements to pass the relevant course, the special circumstances are not considered to have made it impracticable for the student to complete or pass the course. For example, if a student failed a hurdle (must-pass) assessment item before the special circumstances arose, and subsequently was unable to sit an examination due to special circumstances, the special circumstances criteria are not met.

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Matters that Inform the Decision

(16) When making a decision, the decision maker will:

a. consider the relevant information provided by the student;
b. identify key facts and issues with reference to the Special Circumstances criteria;
c. assess the veracity of information provided by the student as required;
d. identify and consider relevant human rights when applying discretion;
e. adhere to the principles of procedural fairness, information privacy, integrity, impartiality, equity, consistency and transparency; and
f. document the basis of the decision.

(17) The decision maker may also consider other relevant information available from University records or request further evidence from the student.

Notice of Decision

(18) The decision maker will notify the student of their decision in writing, and include:

a. the information considered in making the decision;
b. the reasons for the decision;
c. where relevant, the HESA provision(s) under which the decision is made; and
d. a Notice of review rights outlining the process to follow if they are dissatisfied with the decision, including availability of an appeal or complaints process, as relevant.

(19) The Notice of review rights must include:

a. the grounds for appeal where relevant;
b. in the case of an external appeal or complaints processes, any cost associated with the process;
c. the timeframe for submitting the appeal or complaint; and
d. support available to the student to assist them with preparing their appeal.

Policy and Legislative Basis of Decision and Appeal Avenue(s)

(20) The table below outlines the UQ policy (and where relevant, the HESA provision) under which decisions are made.

(21) A decision made under University policy cannot be appealed to an external body. However, a student can make a complaint to the National Student Ombudsman if all internal appeal avenues have been exhausted and they believe the decision was made in error.

(22) A decision under HESA provisions is made by the University on behalf of the Secretary and can be appealed to the Administrative Review Tribunal.

(23) Any grievance related to the administration of this Procedure or other matters not covered by the special circumstances criteria may be pursued internally in the first instance in accordance with Student Grievance Resolution Policy and Procedure.

Outcome	Student Type	UQ Policy	HESA Provision
Removal of financial liability	International	Student Fees Policy	N/A
Removal of financial liability	Domestic - full fee paying (no HELP loan)	Student Fees Policy	N/A

Outcome	Student Type	UQ Policy	HESA Provision
Removal of financial liability	Domestic - full fee paying (HELP loan)	Student Fees Policy	subsection 104-25(1) and 104-30
Removal of financial liability	Domestic (Commonwealth Supported Place)	Student Fees Policy	section 36-20, subsection 97-25(2)
Removal of academic penalty	All	Enrolment Procedure Assessment Procedure	N/A
Exclusion of a course from the minimum pass rate requirements calculation for continued access to Commonwealth support	Domestic (Commonwealth Supported Place or full fee place with a HELP loan)	N/A	section 36-20, subsection 36-13(1), sections 104-1A and 104-30
Change to a finalised grade due to special circumstances	All students	Assessment Procedure	N/A

Grounds for Internal Appeal

(24) Where a student is dissatisfied with the decision on their Removal of Course application, they may appeal the decision if:

a. they can provide new information to support their request that was not available at the time of their initial application, and there are reasonable grounds to believe that the new information may impact the correctness or fairness of the decision; or
b. they have reasonable grounds to believe that the decision:
    i. did not comply with the requirements of this Procedure (and where relevant, the HESA provision); or
    ii. involved improper, irregular, or negligent conduct; or
    iii. involved discrimination, prejudice, or bias against the student.

Requests Submitted Outside the Required Timeframe

(25) A student may submit a Removal of Course application or appeal outside the timeframe specified in clause 7 of this Procedure if they can demonstrate with supporting documentation that:

a. it was not possible for them to submit their application or appeal within the required timeframe due to circumstances beyond their control; and
b. they submitted their application or appeal as soon as possible after resolution of those circumstances.

(26) When submitting an application or appeal outside the timeframe, the application must include all information required to address the threshold criteria, special circumstances criteria and reasons for submitting their request outside the required timeframe.

(27) The decision maker for the application or appeal will in the first instance make a decision on whether the late application or appeal will be accepted.

(28) If the decision maker determines that the student has not met the requirements for acceptance of a late application or appeal, the application or appeal as relevant, will be denied on the basis of not satisfying the threshold criteria and the special circumstances will not be assessed.

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Withdrawing an Application or Appeal

(29) A student may withdraw an application or appeal at any time prior to receiving the decision.

(30) Where a student has withdrawn their application or appeal, UQ reserves the right to continue to process the request or investigate the matter.

Section 4 - Roles, Responsibilities and Accountabilities

Students

(31) Students are responsible for ensuring they:

a. submit applications and appeals in the format prescribed by the Academic Registrar; and
b. retain original copies of electronic documentation submitted under this Procedure for 12 months after the date of submission and provide this to the university upon request for auditing/verification purposes.

Decision Makers

(32) Decision makers are responsible for:

a. identifying and declaring any potential conflicts of interest prior to considering a request submitted under this Procedure;
b. ensuring decisions are made and communicated in accordance with this Procedure within the required timeframe.

Academic Registrar

(33) The Academic Registrar has overall responsibility for overseeing the administration of this Procedure and for:

a. prescribing the format in which applications and appeals must be submitted;
b. prescribing the format in which decision makers must communicate their decision;
c. identifying verification requirements for electronic documents submitted by students under this Procedure;
d. nominating suitably qualified decision makers for Removal of Course applications and appeals; and
e. ensuring these Procedures meet legislative requirements.

Student Conduct and Grievance Resolution

(34) Student Conduct and Grievance Resolution is responsible for:

a. acknowledging receipt of an application for removal or course or an appeal;
b. initial review of the application or appeal;
c. collating information for consideration by the decision maker;
d. communicating the outcome of the decision to the student;
e. ensuring all requests and appeals are finalised within the required timeframe; and
f. where a request is approved or an appeal is upheld, co-ordinating the required updates to the student's enrolment record.

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Section 5 - Monitoring, Review and Assurance

(35) The Academic Registrar is responsible for:

a. ensuring this Procedure is effective;
b. monitoring and ensuring compliance with this Procedure;
c. ensuring this Procedure continues to meet legislative requirements, in particular HESA requirements;
d. ensuring this Procedure continues to meet the requirements of Enrolment Procedure and Assessment Procedure; and
e. undertaking a regular review of this Procedure.

Section 6 - Recording and Reporting

Records

(36) The records relating to removal of course requests and decisions will be maintained in individual student files in accordance with the Privacy Policy, Information Management Policy, and Records Management Procedure.

Reports

(37) The Academic Registrar will, when required, provide reports to the Committee for Academic Programs Policy.

Section 7 - Appendix

Definitions, Terms and Acronyms

Term	Definition
Removal of course	Means removal of financial liability and/or removal of academic penalty, and in the case of students accessing Commonwealth support, exclusion of the course from the minimum pass rate requirements calculation for continued access to Commonwealth support on the basis of special circumstances as specified in Section 36-13 and section 104-1A of HESA.
Removal of financial liability	Means: • For a student in a full-fee paying place: recredit of tuition fees to your student account (refund available on request) or removal of your HELP debt and recredit of your HELP balance. • For a student in a Commonwealth Supported Place: recredit of Student Contribution Amount to your student account or removal of your HELP debt and recredit of your HELP balance.
Removal of academic penalty	Means removal of a failing grade or finalisation of an administrative grade which represents withdrawal without academic penalty, and the course is not included in the official academic transcript and the calculation of Grade Point Average.
Student Contribution Amount	Means the portion of the tuition fees paid by a student in a Commonwealth Supported Place.

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