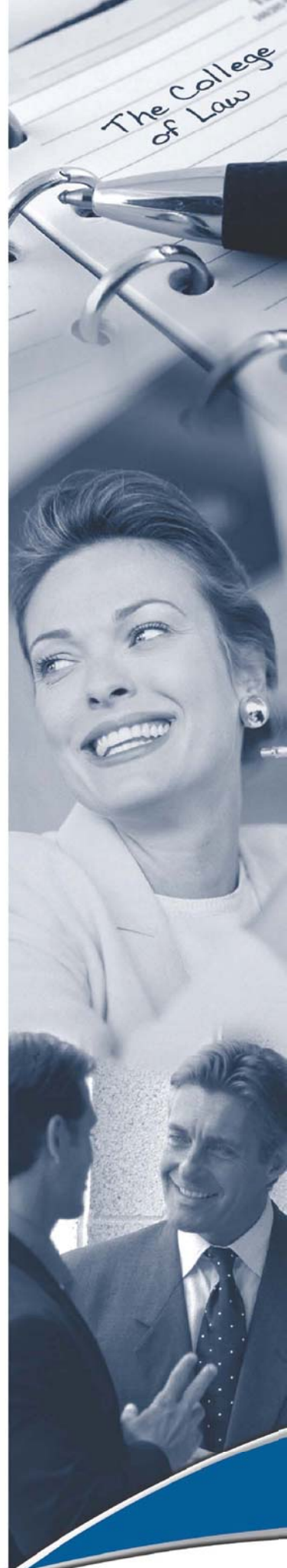


College of Law Pty Ltd

Program Manual  
Applied Law Programs



The College of Law

## Table of contents

Definitions and abbreviations	5
1. Background Information	8
2. Applied Law Programs	8
2.1 Introduction	8
2.2 Family Law, Commercial Litigation and Wills and Estates Programs	8
2.2.1 Eligibility for Admission to an Award Course	8
2.2.2 Academic year	9
2.2.3 Course Requirements	9
2.2.4 Subject Enrolment	9
2.2.5 Course sequence	9
2.3 In-house Program	9
2.3.1 Market for this Program	9
2.3.2 Subject Requirements	10
2.3.3 Eligibility	10
3. Policies and Procedures relating to Students	11
3.1 Enrolment and re-enrolment	11
3.2 Course fees and refunds	11
3.2.1 Fee-HELP students	11
3.2.2 Fee paying students	12
3.3 Exemption, Withdrawal, Readmission and Transfer	12
3.3.1 Exemption and advanced standing (credit)	12
3.3.2 Academic credit for work done	14
3.3.3 Re-admission to the College	14
3.3.4 Transfer between Subjects or Semesters	14
3.3.5 Withdrawal	14
3.4 Attendance and participation (see also Assessment Rules)	15
3.4.1 Attendance and participation requirements	15
3.4.2 Consequences of non-attendance or non-participation	15
3.4.3 Extensions	15
3.4.4 Jobs and other commitments	15
3.4.5 Notification of absence	15
3.4.6 English proficiency	16
3.5 Examination and assessment procedures (see also Assessment Rules)	16
3.5.1 Academic requirements	16
3.5.2 Assessment policy	16
3.5.3 Disability and disadvantage	16
3.5.4 Identification at assessments	16
3.5.5 Examination and assessment locations	16
3.5.6 Timetable and attendance	17
3.5.7 Absence from an entire assessment	17
3.5.8 Illness or misadventure during an assessment	17

3.5.9	Medical certificates	17
3.5.10	Open book examinations	17
3.5.11	Assumed knowledge	18
3.5.12	Return of work/re-marking	18
3.5.13	Notification of results	18
3.5.14	Supplementary assessments	18
3.5.15	Consequences of failure	19
3.5.16	Consequences of failure of a subject after a supplementary assessment	19
3.6	Computer Requirements for Online Programs	19
3.6.1	Your computer	19
3.6.2	Access from outside College – important note	19
3.6.3	Access to computers during the onsite program	20
3.6.4	Computer support	20
3.6.5	Printing	20
3.7	Co-operative courses with firms – special provisions	20
3.8	Library	20
3.9	Access to and security of the building and its equipment	20
3.9.1	All College premises	20
3.9.2	Hours of access (at St Leonards)	20
3.9.3	Access to areas (at all College premises)	21
3.9.4	Lifts and fire stairs (at St Leonards)	21
3.9.5	Care of student rooms and building (at all College premises)	21
3.9.6	Accidents, loss or damage to equipment (at all College premises)	21
3.9.7	Audio-visual equipment (at all College premises)	21
3.9.8	Smoking (at all College premises)	22
3.9.9	Eating and drinking (at all College premises)	22
3.9.10	Children (at all College premises)	22
3.9.11	Disruptive activities (at all College premises)	22
3.9.12	Fire drills and regulations (at all College premises)	23
3.9.13	Animals (at all College premises)	23
3.9.14	Removal of your materials and personal property at end of course	23
3.10	Safety, Security and Welfare	23
3.10.1	Occupational health and safety	23
3.10.2	HIV/AIDS and hepatitis policy	23
3.10.3	Prevention of harassment and discrimination policy	24
3.10.4	Privacy of student records policy	24
3.10.5	Working with your computer - health issues and ergonomic recommendations	24
3.10.6	Student Counselling	24
3.11	Complaints and disputes	24
3.11.1	Policy and guidelines	25
3.11.2	Student Liaison Officer	26
3.11.3	Non-academic complaints and disputes procedure	26
3.11.4	Academic complaints and disputes procedure	26



3.11.5	Overseas Students Ombudsman	27
3.12	Unsatisfactory academic conduct and academic misconduct	27
3.12.1	Procedure	27
3.12.2	Unsatisfactory academic conduct	27
3.12.3	Academic misconduct	28
3.12.4	Collusion	28
3.12.5	Appeal	28
3.13	General	28
3.13.1	Conduct	28
3.13.2	Intellectual property	29
3.13.3	Correspondence	29
3.13.4	Change of address	29
3.13.5	Notices	29
3.13.6	Facsimile and telephone	30
3.13.7	Australian Document Exchange	30
3.13.9	Evaluation	30
Appendixes		31
Appendix 1 – Procedures where Non-Compliance with Policies and Procedures (student non-compliance)		31
Appendix 2 - Assessment Rules		33
Appendix 3 - Selection Procedures		37
Appendix 4 - Review Procedures		38

## Definitions and abbreviations

In this manual the following definitions and abbreviations are used.

Term	Definition
<b>Academic misconduct</b>	<p>Academic misconduct refers to conduct that the higher education community in Australia would ordinarily regard as dishonest, dishonourable or improper in accordance with the accepted standards of academic integrity in the higher education sector. It includes but is not limited to:</p> <ul style="list-style-type: none"> <li>• cheating</li> <li>• plagiarism in assessable work</li> <li>• collusion in assessable work</li> <li>• failure to adhere to the College's policies and procedures relating to students or to the Assessment Rules (Appendix 2) in such a way as to obtain unfair academic advantage</li> <li>• tampering or attempting to tamper with examination papers, class work, grades or class records</li> <li>• impersonation of another student in an examination or other assessment activity</li> <li>• use or attempted use of any material or equipment in an examination room, or during any other assessment activity, that is stated not to be permitted either on the examination paper or in the assessment instructions or by a member of College staff</li> <li>• unauthorised communication or attempted communication with another person during an examination or other assessment activity</li> <li>• engaging in any other improper academic conduct.</li> </ul>
<b>Admitting authorities</b>	<p>Admitting authorities refer to the board or other body appointed by the Supreme Court in the jurisdiction or jurisdictions relevant to the program a student is undertaking.</p>
<b>Assessment</b>	<p>Assessment refers to an examination or other assessment task</p>
<b>Academic Appeals Committee (AAC)</b>	<p>AAC refers to the committee established to hear appeals from decisions of the Assessment Review Committee and to hear appeals in relation to findings of academic misconduct or unsatisfactory academic conduct. The committee is comprised, from time to time, of:</p> <ul style="list-style-type: none"> <li>• the Principal or his or her nominee; as chair</li> <li>• a legal practitioner, familiar with the teaching program who is not a member of teaching staff, nominated by the Chair of the College of Law Academic Board</li> <li>• a senior member of the College's academic staff, nominated by the Chair of the College of Law Academic Board.</li> </ul>
<b>Applied Law Programs</b>	<p>Applied Law Program refers to all award courses offered by the College (other than the Professional Program) and including the Family Law Program, Commercial Litigation Program, In-house Program and all Programs of a similar nature to be offered by the College in future related to other areas of legal practice.</p>
<b>Assessment Review Committee (ARC)</b>	<p>ARC refers to the committee established to review assessments, grades and eligibility for graduation.</p>
<b>Census date</b>	<p>Census date refers to the date after which Fee-HELP<sup>a</sup> assisted students incur a debt to the Commonwealth, and/or the date after which fee paying students can no longer withdraw from a course or subject and receive a refund of tuition fees.</p>
<b>Cheating</b>	<p>Cheating refers to dishonest conduct, whether in assessable or non-assessable work, and including but not limited to:</p> <ul style="list-style-type: none"> <li>• communicating, or attempting to communicate, with another student during an examination</li> <li>• reading, or attempting to read, another student's examination script</li> <li>• obtaining, using or distributing unauthorised notes, answers or other</li> </ul>



Term	Definition
	<p>material during an examination or other assessment activity</p> <ul style="list-style-type: none"> <li>• stealing the work of another student</li> <li>• unauthorised collaboration in creating an item of coursework</li> <li>• acting so as to obtain an unfair advantage over other students in the creation or performance of any item of coursework.</li> </ul>
<b>College</b>	College of Law Pty Ltd
<b>College Board</b>	The Board of Directors of the College of Law Pty Ltd
<b>College of Law Academic Board (COLAB)</b>	COLAB refers to the committee established by the College Board to oversee all curriculum matters, including educational policy, assessment and appeals
<b>College premises</b>	<p>Refers to College in:</p> <ul style="list-style-type: none"> <li>• Australian Capital Territory – at the University of Canberra, University Drive, Bruce 2617</li> <li>• New South Wales – 2 Chandos Street, St Leonards 2065</li> <li>• Queensland – at Level 5, Wesley House, 140 Ann St, Brisbane 4000.</li> <li>• Victoria – at Level 6, 459 Little Collins Street, Melbourne 3000.</li> <li>• Western Australia – Ground Floor, Durack Centre, 263 Adelaide Terrace, Perth WA 6000</li> <li>• other locations – any location where an onsite component of the course is conducted</li> </ul>
<b>College staff</b>	College staff includes employees and, as appropriate, persons carrying out duties on behalf of the College.
<b>Collusion</b>	<p>Collusion refers to inciting, assisting, facilitating, concealing or otherwise being involved with another person in an act of unsatisfactory academic conduct, or academic misconduct, whether in assessable or non-assessable work. For example, two students will have colluded when one student provides a copy or draft of an answer to an item of coursework to another student or prospective student in a College program. In addition, a student must not collude with a person who is not a student, such as a lawyer. Collusion does not include authorised collaboration by students in the preparation of an item of coursework. Submission by more than one student of substantially similar items of coursework may be evidence of collusion. Collusion is assessable work may constitute academic misconduct.</p>
<b>Commercial Litigation Program</b>	Commercial Litigation Program refers to the course conducted by the College leading to the award of the Master of Applied Law (Commercial Litigation).
<b>Co-operative Course</b>	Co-operative Course refers to an offering of the Practical Legal Training Program in association with a particular law firm.
<b>Course</b>	A course of study within the Applied Law Programs.
<b>Credit (specified)</b>	Credit (specified) the granting of academic credit for previous study which is deemed to be exactly equivalent to a Subject within an Applied Law Program course. In appropriate cases, this can include core subjects.
<b>Credit (unspecified)</b>	Credit (unspecified) the granting of academic credit for previous study which is deemed to be approximately equivalent to a Subject within an Applied Law Program course. This can only be applied to electives.
<b>External Appeals Panel</b>	The External Appeals Panel is the final avenue for academic appeals at the College, appointed to consider appeals from the AAC. The External Appeals Panel consists of a member of the College Board and two external academics, all to be appointed by the Chair of the College Board.
<b>Family Law Program</b>	Family Law Program refers to the course conducted by the College leading to the award of the Master of Applied Law (Family Law).
<b>General Manager, Education</b>	General Manager Education refers to the person holding the position of senior academic responsibility reporting directly to the Principal.

<b>Term</b>	<b>Definition</b>
<b>In-house Program</b>	The In-house Program refers to the course conducted by the College leading to the award of the Graduate Diploma of In-house Legal Practice.
<b>Legal professional association</b>	Legal professional association are the law society or institute in the jurisdiction or jurisdictions relevant to the program stream a student is undertaking
<b>Maximum permissible period</b>	The maximum permissible period refers to the maximum time a student may be enrolled in a course of study without completing the course of study.
<b>Offering</b>	Offering refers to a specific version of the coursework component of the Practical Legal Training Program from a scheduled date.
<b>On Campus Course</b>	On Campus Course refers to the College's face to face coursework component of the Practical Legal Training Program conducted only at St Leonards, New South Wales.
<b>Part Program</b>	Part Program refers to discrete components or subjects of the coursework component of the Professional Program.
<b>Part Program Student</b>	A Part Program Student is a student who is undertaking a part program, for example an exemptee or a trainee.
<b>PLT</b>	Refers to practical legal training
<b>Plagiarism</b>	Plagiarism, whether in assessable or non-assessable work, the passing off by a student of someone else's work as their own, whether intentionally or not. It includes but is not limited to the copying, summarising or use of someone else's work or ideas without acknowledgment in any item of coursework, whether in whole or in part and whether assessable or not. Plagiarism in assessable work may constitute academic misconduct.
<b>Principal</b>	The Principal refers to the Managing Director and principal academic officer of the College, responsible to the College Board for implementing the decisions of the Board.
<b>Practical Legal Training Program</b>	The Practical Legal Training Program refers to a program of practical legal training, which satisfies the requirements for direct admission to legal practice in the Australian Capital Territory, New South Wales, the Northern Territory, Queensland and Victoria.
<b>Program Director</b>	The Program Director refers to the Director, Applied Law Programs responsible to the General Manager, Education, the Principal and the College Board for the implementation, conduct and assessment of all Applied Law Programs.
<b>Stream</b>	A stream is a version of the Practical Legal Training Program which satisfies the PLT requirements for admission to legal practice in a Supreme Court with content relevant to that jurisdiction.
<b>Student Liaison Officer</b>	A student liaison officer is a member of the College academic staff, whose role is to give students guidance in the conduct of complaints and disputes.
<b>Subject</b>	A Subject is discrete subject within an Offering.
<b>Trainee</b>	A Trainee is student in Queensland or Victoria undertaking supplementary or programmed training.
<b>Trainee Admission Program</b>	A Trainee Admission Program refers to discrete subjects in the Practical Legal Training Program to be undertaken as bridging studies by a Trainee.
<b>Unsatisfactory academic conduct</b>	Unsatisfactory academic conduct is in the course, including collusion and plagiarism, not amounting to academic misconduct within the College definition but unsatisfactory in relation to course objectives and requirements.
<b>Wills and Estates Program</b>	Wills and Estates Program refers to the course conducted by the College leading to the award of the Master of Applied Law (Wills and Estates).

## 1. Background Information

Most of the policies in this manual mirror the policies applicable to the Practical Legal Training Program contained in the College's Practical Legal Training Program Manual. The Practical Legal Training Program is the College of Law's course in practical legal training leading to admission as a legal practitioner.

## 2. Applied Law Programs

### 2.1 Introduction

The Applied Law Programs offered by the College of Law are a series of courses which concentrate on particular areas of legal practice with a view to improving skills and knowledge within those fields. The courses are primarily undertaken online, but include some face-to-face components in order to reinforce the online learning with practical application.

The College currently offers Applied Law Programs in Family Law, Commercial Litigation, In-house Legal Practice and Wills and Estates. It is anticipated that further subject areas will become available.

### 2.2 Family Law, Commercial Litigation and Wills and Estates Programs

The Family Law, Commercial Litigation and Wills and Estates Programs both lead to the award of a Master of Applied Law, with seven subjects to be completed. However, students may choose to exit early with either a Graduate Certificate in Applied Law (two subjects) or a Graduate Diploma in Applied Law (four subjects). Therefore, these Programs allow for a choice of postgraduate awards at three different levels:

**i. Graduate Certificate in Applied Law**

The Graduate Certificate comprises the two foundational subjects within a particular subject area. The Graduate Certificate may be seen by some students as good preparation for a professional accreditation program.

Minimum time for completion – two subjects, one semester (see 2.2.5).

**ii. Graduate Diploma of Applied Law**

The Graduate Diploma incorporates and builds upon the Graduate Certificate with a further core subject and includes some limited elective choice in contemplation of a student's personal preference or career orientation.

Minimum time for completion – four subjects, two semesters (see 2.2.5).

**iii. Master of Applied Law**

The Masters degree incorporates and builds upon the Graduate Diploma with further elective choice enabling a deeper and more comprehensive engagement with the particular field of legal practice.

Masters students will also have the opportunity to undertake a piece of more advanced research in a clinical or practice related context.

Minimum time for completion – seven subjects, three semesters (see 2.2.5).

#### 2.2.1 Eligibility for Admission to an Award Course

To be admitted to any of the above award courses, students are required to have a law degree, or equivalent, and, unless exempted by the Program Director, be admitted to practise as a legal practitioner in an Australian jurisdiction. As documentary evidence of their law degree and admission to practice, they must submit certified copies of (1) their academic transcript or graduation certificate and (2) their admission certificate or current practising certificate.

- Students who are admitted as legal practitioners but are concerned that they may not be properly prepared for postgraduate study (for example, students without a Bachelor degree) may contact the Program Director in order to arrange an interview to determine the following:
- the student's expectations of postgraduate study
- the student's capacity for postgraduate study (especially where the student has been through a program that did not require the production of substantial essay-type assignments)
- the extent of the student's practical experience
- the student's capacity to balance postgraduate study and other commitments

- o whether the student may benefit from some formal preparation for postgraduate study and/or close monitoring by the Program Director during the course.

In addition, enrolment in single subjects on a non-award basis is permitted, for which no previous qualifications are necessary.

### 2.2.2 Academic year

The Applied Law Programs run in accordance with the two semester model used by the College and commence in March and August of each year.

### 2.2.3 Course Requirements

The following table shows credit points, minimum full time course durations and maximum course durations for each award.

Award	Credit Points	Minimum Duration – FT	Maximum Duration
Graduate Certificate	18 (2 x 9)	Minimum duration is one semester.	Maximum duration is four semesters.
Graduate Diploma	36 (4 x 9)	Minimum duration is two semesters.	Maximum duration is eight semesters.
Masters Degree	63 (7 x 9)	Minimum duration is three semesters.	Maximum duration is 10 semesters.

It is possible to apply for extra time in appropriate circumstances. Such applications must be in writing and be supported by documentary evidence of the grounds relied upon.

### 2.2.4 Subject Enrolment

The table at 2.2.3 shows minimum full time duration for each award, but students do not enrol as either “full time” or “part time” students. The College regards anything less than a full time load as part time.

If a student enrolls in a Masters degree, the student may apply to exit with a lesser award once the course requirements for that lesser award have been met.

If a student enrolls in a Graduate Certificate or Graduate Diploma, the student may apply to proceed to a higher award at any time and be granted credit for the subjects already completed. If a student has already had conferred a lesser award, the student may apply to proceed to a higher award with full credit for the lesser award, but must surrender the lesser award before the higher award can be conferred.

### 2.2.5 Course sequence

The three awards are “nested” in that the Graduate Certificate subjects are prerequisite to the Graduate Diploma and the Masters degree.

It is not necessary to enrol first in the Graduate Certificate, then the Graduate Diploma, then the Masters degree, but the Graduate Certificate subjects ought, in normal circumstances, be completed first. All Graduate Certificate subjects will be available every semester.

## 2.3 In-house Program

### 2.3.1 Market for this Program

The In-house Program is a practical, problem-based course for:

- o new and transitioning practitioners intending a career in corporate or government legal practice, or
- o in-house practitioners who desire to expand their skills and knowledge base.

The aim of the course is to equip students with the frameworks, concepts, knowledge and skills that are integral to all forms of in-house legal practice, together with appropriate professional values and ethical standards.

### 2.3.2 Subject Requirements

To complete the In-house Program, students must complete four core subjects and two electives. The details of the core and elective subjects are to be found in the Graduate Diploma of In-house Legal Practice handbook and on the College's website at [www.collaw.edu.au](http://www.collaw.edu.au) under Postgraduate Applied Law Programs.

All subjects are worth 6 credit points. Not all subjects will be available every semester.

Students are required to complete 36 credit points to be eligible for the Graduate Diploma of In-house Legal Practice.

There are no prerequisites for any of the subjects. However, students are required to complete IHP101 Advising In-house in the first semester of enrolment.

### 2.3.3 Eligibility

#### *Applicants with legal qualifications*

Applicants for admission to the Graduate Diploma of In-house Legal Practice (the In-house Program) should normally hold a degree in law or equivalent qualification approved by a Supreme Court for admission as a lawyer. The reason for this is that the In-house Program assumes, and builds upon, a requisite minimum knowledge of law and legal systems and practical experience in a business or government context.

Students who are admitted as legal practitioners but are concerned that they may not be properly prepared for postgraduate study (for example, students without a Bachelor degree) may contact the relevant Program Director in order to arrange an interview to determine the following:

- the student's expectations of postgraduate study.
- the student's capacity for postgraduate study (especially where the student has been through a program that did not require the production of substantial essay-type assignments).
- the extent of the student's practical experience.
- the student's capacity to balance postgraduate study and other commitments.
- whether the student may benefit from some formal preparation for postgraduate study and/or close monitoring by the Program Director during the course.

#### *Applicants without legal qualifications*

The College recognises that there may be candidates, without legal qualifications, who might nevertheless be capable of undertaking, and benefiting from, the In-house Program. Accordingly, applicants without legal qualifications may be considered for entry to the In-house Program where they can provide evidence that they:

- hold a bachelor's degree (or higher)
- have substantial experience of working in a quasi-legal capacity, and
- are able to demonstrate a working knowledge of law and legal systems.

Applicants should include a letter with their application, addressed to the Program Director, explaining why they wish to undertake the In-house Program and which provides the following information:

- Name(s) of employer(s) and position(s) held
- Duration of employment
- A description of the practice or business, and
- A description of the quasi-legal tasks undertaken by the applicant.

Applicants should also include a reference from a lawyer, who holds a current practising certificate, stating that, in the opinion of the referee, the applicant has the requisite knowledge and experience to benefit from the In-house Program.

If, on the basis of the documentation, the applicant is considered to be a viable candidate, the applicant will then be interviewed by a member of College academic staff and a determination will be made as to whether the applicant may commence the In-house Program.

### **3. Policies and Procedures relating to Students**

#### **3.1 Enrolment and re-enrolment**

1. Except where otherwise provided for by the College, an application for enrolment must be made in accordance with the policy and procedures of the College.
2. Prior to commencement of your Course you must provide to the College a transcript of your academic results or, if the transcript is not then available, an undertaking to provide the transcript as soon as it is available. The transcript must be provided pursuant to the undertaking. Failure to meet the requirements of this paragraph will, in addition to any other consequences relating to student non-compliance with College policies and procedures, prevent or delay enrolment.
3. Unless the relevant Program Director approves your application to enrol, the College will not accept you into a Course if you, on the first day of the Course, have not satisfied all the requirements of a law qualification which is a prerequisite for admission to the Course. See Appendix 3.
4. You must complete and lodge an application for enrolment form by the enrol-by date unless you have been given permission to lodge a late application for enrolment form.
5. You must pay the Course fee in entirety at least 21 days prior to course commencement. Alternatively, you may submit a Request for Fee-HELP Assistance form at least 21 days prior to course commencement.
6. You are deemed to be enrolled in the Course nominated on your current application for enrolment form, subject to any variations the College may later approve.
7. You are deemed to be a student of the College while you are yet to complete the Course in which you were last enrolled and the maximum duration in semesters is yet to expire.
8. You will cease to be a student of the College if:
  - you withdraw from a Course
  - you abandon or are excluded from a Course, or
  - your enrolment in a Course or participation in a Course is otherwise withdrawn or terminated in accordance with College policies and procedures.
9. You are taken to have abandoned the Course if
  - you have not completed the coursework and have not taken steps to transfer or defer within 12 months of the completion of the course in which you were last enrolled, or
  - you have not completed the Course requirements and the Maximum Permissible Period has expired.

#### **3.2 Course fees and refunds**

##### **3.2.1 Fee-HELP students**

Fee-HELP is a Commonwealth loan scheme available to eligible students (see 9 below) to pay tuition fees for approved courses. All College award courses are approved courses for Fee-HELP. Students wishing to access Fee-HELP loans should contact Student Services or download the relevant information from the Going to Uni website at: [www.goingtouni.gov.au](http://www.goingtouni.gov.au).

1. At the time of your application for enrolment in a Course or Subject, you must submit a completed Request for Fee-HELP Assistance form with your application for enrolment form.
2. If your application is accepted, you will be eligible to commence the Course or Subject without paying any tuition fees directly to the College.
3. Subject to (4), Fee-HELP students may withdraw from the Course or Subject on, or prior to, the Census Date without incurring a Commonwealth debt.

4. After the Census Date, a student becomes liable to repay the tuition fee via the tax system once they attain the relevant income level. (For more information see the Fee-HELP information booklet published by DEEWR or download the relevant information from the Going to Uni website at: [www.goingtouni.gov.au](http://www.goingtouni.gov.au)).
5. After the Census Date, the student's liability to the Commonwealth cannot be forgiven except in accordance with the College's Review Procedures (see Appendix 4).
6. If a Fee-HELP student withdraws from a Course or Subject on, or prior to, the Census Date, they will incur an Early Withdrawal Penalty per Subject which will be deducted from any refund of Course fees. The Early Withdrawal Penalties are listed on the Fees page of the College website.
7. All applications for withdrawals, transfers or refunds should be made in writing to the Manager, Student Services.
8. Eligible students are Australian citizens or permanent humanitarian visa holders with a non-extinguished Fee-HELP entitlement. For the purposes of "citizenship" permanent residents do not become citizens until they have received the proper certificate. The College will not accept Fee-HELP applications from students who are not citizens (or permanent humanitarian visa holders) at the time of application.

### 3.2.2 Fee paying students

Students paying full fees up front each semester for the subjects in which they enrol:

1. At the time of your application for enrolment in a Course or Subject, you must pay the advertised Course or Subject fee to secure your place in the Course. If your application is refused, this money will be returned in full.
2. Subject to (4) fee paying students may withdraw from the Course or Subject on, or prior to, the Census Date and receive a refund of the Course or Subject fee.
3. After the Census Date, there is no entitlement to a refund except in accordance with the College's Review Procedures. (See Appendix 4).
4. If a fee paying student withdraws from the Course or Subject on, or prior to, the Census Date, they will incur an Early Withdrawal Penalty per Subject which will be deducted from any refund of Course fees. The Early Withdrawal Penalties are listed on the Fees page of the College website.
5. All applications for withdrawals, transfers or refunds should be made in writing to the Manager, Student Services.
6. The College may withhold your results if you owe any money to the College or have not returned any property of the College.
7. A student who has paid the fee up front for the Course or Subject may not request a refund in order to then apply for Fee-HELP.
8. Nothing in these rules removes the right to take further action under Australia's consumer protection laws.
9. Overseas students must pay the advertised overseas standard rate unless they have been granted full residence without further waiting period.

## 3.3 Exemption, Withdrawal, Readmission and Transfer

### 3.3.1 Exemption and advanced standing (credit)

#### *Family Law, Commercial Litigation and Wills and Estates Programs*

Prior to enrolment in the Family Law, Commercial Litigation and Wills and Estates Programs, students may make application for advanced standing (credit) on the basis of subjects completed in another postgraduate program in a related field. The application should be in writing and include all relevant documentation (official transcript and subject descriptions if required).

The application must be made prior to enrolment and at least 21 days prior to commencement of the relevant Subject(s).

Credit may be granted for a maximum of nine credit points (unspecified credit), plus a further nine credit points (specified credit) where it can be demonstrated that the course or subject for which credit is sought is substantially equivalent in depth and breadth of coverage to a subject within an Applied Law Program. Specified credit is not available for Subjects in the Graduate Certificate unless the student is continuing to a higher award.

Credit will only be granted for subjects completed within a postgraduate course of study which is incomplete or which is a lesser award than that for which the student is enrolled; i.e., where a Graduate Diploma or higher award has been granted in respect of a given subject, credit is not available.

Subjects for which credit is sought must have been completed within ten years of the application for credit.

### ***In-house Program***

Prior to enrolment in the In-house Program, a student may make application for advanced standing (credit) on the basis of subjects completed in another postgraduate program in a related field. The application should be in writing and include all relevant documentation (official transcript and subject descriptions if required).

The application must be made prior to enrolment and at least 21 days prior to commencement of the relevant Subject(s).

Credit may be granted for a maximum of six credit points (unspecified credit), plus a further six credit points (specified credit) where it can be demonstrated that the course or subject for which credit is sought is substantially equivalent in depth and breadth of coverage to a subject within the In-house Program. Specified credit is not available for the subject IHP101 Advising In-house.

Credit will only be granted for subjects completed within a postgraduate course of study which is incomplete or which is a lesser award than Graduate Diploma; i.e., where a Graduate Diploma or higher award has been granted in respect of a given subject, credit is not available.

Subjects for which credit is sought must have been completed within ten years of the application for credit.

### 3.3.2 Academic credit for work done

If you withdraw from a Course you may apply to the Program Director in writing for credit for any part of the Course completed before your withdrawal. Credit will only be given for whole Subjects.

Your application for credit may be granted upon the conditions that no more than five years elapses between withdrawal and recommencement.

- The granting of credit will not give you:
- any exemption from payment of fees or charges, nor
- concessions relating to uncompleted assessments or examinations.

### 3.3.3 Re-admission to the College

If you:

- withdraw from
- abandon
- have been excluded from, or
- had your enrolment terminated in
- the Course, and you wish to be readmitted, whether in the same or a different course, you must apply to the College and be selected for admission in the same way as persons who have not previously been students of the College. You must pay all fees for the Course for which you seek readmission.

### 3.3.4 Transfer between Subjects or Semesters

In appropriate circumstances, you may apply to transfer from one Subject to another before the census date for those Subjects. Such transfers, after Subject commencement, will only be granted in circumstances of extraordinary hardship, or where the Program Director is satisfied that the student will be able to complete the academic requirements for the Subject despite starting late.

Applications for transfer between Subjects should be made, in writing, to the Program Director.

Fee-HELP students who transfer after the Census Date do not have any right to a re-crediting of their Fee-HELP balance except as provided for under the Review Procedures (Appendix 4).

A Fee-HELP student who transfers after the Census Date does not have the option of withdrawing with a refund, or without incurring a Commonwealth debt, under 3.2 of this manual.

In circumstances of extraordinary hardship, a student may also apply, after the census date, to complete a subject or subjects in the following semester. All such applications for transfer must be in writing to the Program Director and be accompanied by appropriate evidence (e.g. medical evidence).

### 3.3.5 Withdrawal

#### *Fee paying students*

If you wish to withdraw from a course or subject, you must immediately notify the Manager, Student Services in writing stating the circumstances. If you notify the Manager, Student Services on or before the Census Date of the relevant course from which you wish to withdraw you will receive a refund of the course or Subject fee less the Early Withdrawal Penalty of \$200 per Subject. If you notify the Manager, Student Services after the Census Date, you will no longer be entitled to a refund except at the discretion of the College. In exercising that discretion, the College will apply the same criteria as apply to applications for review by Fee-HELP students under the Review Procedures (see Appendix 4).

#### *Fee-HELP students*

If you wish to withdraw from a course or subject, you must immediately notify the Manager, Student Services in writing stating the circumstances. In all cases the date of receipt by the College of any letter or email will be taken as the date of notification.

If you withdraw on or before the Census Date of the relevant course or subject you will not incur a debt to the Commonwealth and your Fee-HELP entitlement will be re-credited. You will however, be liable to pay the Early Withdrawal Penalty, which is enforceable against you personally.

If you withdraw after the Census Date you will still incur a debt to the Commonwealth of the full Course or Subject fee. In certain circumstances, the College may allow an application to preclude the incurring of a debt (see Review Procedures) but you will still be liable to pay the Early Withdrawal Penalty.

### **3.4 Attendance and participation (see also Assessment Rules)**

#### **3.4.1 Attendance and participation requirements**

The activities for each Subject are set out in the course materials, study guides and in the course timetable.

You must fully and actively participate in the Course: see Assessment Rules, rule 2, in Appendix 2 of this manual. Your participation may not satisfy the College's requirements, if you:

- are absent from scheduled workshop sessions
- arrive late/depart early
- do not take part in group discussions or other activities
- in relation to written work or other activities (whether these are required to be submitted for assessment or not):
  - do not complete them
  - consistently complete them late
  - submit several items shortly before the assessment date
  - the work is not your own, or
  - do not access learning resources or undertake exercises or activities as described in the study guides – not doing so may be taken into consideration if it becomes necessary to determine your participation.

#### **3.4.2 Consequences of non-attendance or non-participation**

If you do not satisfy the attendance and participation requirements you may be ineligible for assessment. As a consequence the Program Director may refuse you permission to attempt an assessment task or to sit for any examination. Alternatively the Program Director may direct that marks are to be deducted from your assessment grade.

If you have been advised that you are ineligible for an assessment and you nevertheless attempt an assessment task or sit for an examination, that task or examination will not be marked, and you will be required to redo the task or examination, once you have satisfied the attendance and participation requirements.

#### **3.4.3 Extensions**

All Applied Law Programs are online courses designed to maximise flexibility and enable you to undertake substantial parts of the course away from the College's premises. However, you should not underestimate the demands of the online courses. Students enrolled in online Subjects should expect to devote on average eight hours each week per Subject to coursework activities (including online coursework, preparation for assessment and assessment).

If you are unable to complete an activity, whether assessable or non-assessable, by the date timetabled, you must contact the lecturer in advance to let him/her know and to request an extension.

#### **3.4.4 Jobs and other commitments**

You must be available for all scheduled activities. The College will not alter rosters or change timetables in order to suit individual commitments.

#### **3.4.5 Notification of absence**

If you are unable to attend or absent from scheduled activities for any reason, such as a medical or dental appointment, you must notify your lecturer or the Program Director in writing, giving reasons for your absence, including a medical certificate where appropriate.

You will be required to make up any work missed during these activities in the same, or a subsequent, course, as directed by the Program Director.

### **3.4.6 English proficiency**

Competency in spoken and written English is required to complete any course. The Program Director may require you, if you:

- are an overseas student, or
- your previous studies were in a language other than English
- to demonstrate your ability in English skills in accordance with the IELTS standard.
- Further information is available from the Student Services Department.

## **3.5 Examination and assessment procedures (see also Assessment Rules)**

### **3.5.1 Academic requirements**

The program, content and assessment in each Subject are described in the relevant course materials and course timetable.

### **3.5.2 Assessment policy**

The College policy and rules on examinations and assessments are contained in this section, and in the Assessment Rules (Appendix 2).

### **3.5.3 Disability and disadvantage**

If you require special consideration because you suffer from a disability or disadvantage which might cause you difficulties in assessments you must apply in writing to the Program Director at least 14 days before the assessment. You should include a medical certificate and/or other relevant evidence in your application.

The Manager, Student Services may make such special arrangements, facilities available or allow additional time for the assessment as he/she thinks fit. Alternatively, the Manager, Student Services may reject your application in which case you may apply to the relevant Program Director for a review of the Manager, Student Services' decision.

### **3.5.4 Identification at assessments**

You must bring photo identification (i.e. a driver's license or proof of age card) to all assessments where personal attendance is required.

If you do not provide acceptable identification you may, at the discretion of the invigilator/assessor, be excluded from the assessment.

### **3.5.5 Examination and assessment locations**

You will generally be expected to undertake examinations and other assessments at the location nominated in your course timetable.

If you wish to undertake your examinations and other assessments at a different location, you must apply to the Manager, Student Services in writing 21 days before the date of the assessment and provide reasons for your request to complete the assessment at that location. It is also the student's responsibility to find an academic institution acceptable to the College willing to administer the assessment(s). The arrangement of an alternative location depends on the College being satisfied with the institution proposed by the student and the availability of any particular alternative cannot be guaranteed.

If your application is approved it may be that there will be fees charged by the institution where the personal assessment will take place – this will not be the case where the personal assessment is at College premises. You will have to pay the fees of the institution where the personal assessment is held. Payment details will be advised following finalisation of arrangements.

Also, in some circumstances the College will approve completion of oral personal assessments by video conference. In these cases you will be required to pay all costs associated with a video conference. Under no circumstances will the College approve an oral personal assessment being conducted by telephone unless the student is physically located on College premises and being assessed by a lecturer at another College campus.

### **3.5.6 Timetable and attendance**

Assessments will be on the dates and at the times shown in the relevant course timetable. For your individual assessment in certain activities, where appropriate, the Program Director or Manager, Student Services will allocate the times of those assessments.

The College may, during the Course, alter the timetable and may reschedule the assessments for any reason and will notify you of the changes.

The Program Director may refuse permission for you to undertake an assessment if you:

- fail to attend at the scheduled time
- fail to produce acceptable identification
- arrive more than 30 minutes late, or
- fail to submit work to be assessed as required.

### **3.5.7 Absence from an entire assessment**

If through circumstances beyond your control you are unable to attend an assessment you must:

- notify the relevant Program Director in writing, no later than one working day after the date of your assessment, and
- submit a medical certificate and/or other relevant evidence.

The Program Director may make any special arrangements as the Program Director thinks fit.

### **3.5.8 Illness or misadventure during an assessment**

If you attempt an assessment task but claim that your performance was prejudiced by circumstances beyond your control on the day of the assessment, you must:

- notify the Program Director in writing, no later than one working day after the date of the assessment, and
- submit a medical certificate and/or other relevant evidence.

The Program Director will not alter the result of the assessment but may permit you to attempt another equivalent assessment in a later course on such conditions as the Program Director thinks fit.

### **3.5.9 Medical certificates**

All medical certificates must specify the severity and duration of the complaint and its effect on your ability to undertake the assessment. The College will not accept a receipt for medical or hospital fees instead of a medical certificate.

### **3.5.10 Open book examinations**

A number of College examinations are open book. During an examination, you are only allowed to use the material and equipment permitted by the College. No computers, mobile phones or other electronic equipment (other than calculators) are permitted in any examination.

Students must not speak to or otherwise communicate with any other student during an examination. Students must not read or attempt to read another student's examination script. They must not do anything to disadvantage other students during an examination. See the definition of "cheating" in the Definitions and Abbreviations section of this manual.

Students must leave the examination paper and their examination scripts in the examination room for collection by the exam supervisors.

Students must obey all directions of the exam supervisors.

### **3.5.11 Assumed knowledge**

No allowance will be made for inadequate performance on the basis that you did not study the relevant foundation substantive law at law school.

### **3.5.12 Return of work/re-marking**

Where possible, assessed work (other than examinations) will be returned to you during the course, with constructive comments.

Procedures are in place to ensure that marking is carried out fairly and consistently. Before marks are issued:

- o any inconsistencies in marking of examinations and other assessments are investigated, and
- o failures are reviewed.

### **3.5.13 Notification of results**

You are able to access your results online. You can only access your own details.

Your results will be posted to the website as soon as they are available.

Further details are provided on the website.

After the end of the Course a transcript of your final results, showing grades achieved in each Subject, will be posted to you. You should make sure that the College has your correct address for correspondence after the Course concludes, if it is not the address shown on our records during the Course. Alternatively the College will, at your request, either:

- o send your transcript to you through the DX if you have access to the document exchange, or
- o hand your transcript to you in person.

### **3.5.14 Supplementary assessments**

If you fail an examination in a Subject, you will be offered a supplementary examination in that Subject but only if you have achieved a mark equal to or exceeding 40 percent of the marks available for that examination.

Except where approved by the Program Director based on satisfactory evidence of hardship and other cases where good cause is shown by the student, there are no other circumstances under which a supplementary examination will be offered for a Subject.

The only grade which can be awarded to a student sitting a s supplementary examination is a Pass grade.

All supplementary examinations will be scheduled within the month prior to the commencement of the next consecutive semester in order to enable students to complete the examinations in time for their answers to be marked and their assessment results notified before the semester starting date.

### 3.5.15 Consequences of failure

If you fail a Subject, you must:

- re-enrol in a subsequent offering of that Subject
- pay the appropriate enrolment fees, and
- undertake assessment in that Subject.

### 3.5.16 Consequences of failure of a subject after a supplementary assessment

If you fail a subject twice you must contact the relevant subject coordinator as nominee of the Program Director to discuss the failed assessments, complete additional work set by them and then apply to the Assessment Review Committee (ARC) for permission to do a third examination or assessment task. If your work is satisfactory and there has been no substantial change in the law or procedure on which the subject is based, the subject coordinator may make a recommendation to the ARC, in support of your application.

If the ARC does not grant permission for a third assessment, you must transfer to a subsequent course to complete the subject, pay the appropriate fees, do the coursework required by the ARC and undertake assessment during that course, unless the ARC determines that a different procedure is appropriate in the circumstances.

If the ARC does grant permission for a third assessment and you fail the subject on the third attempt, you will be excluded from the Program for up to 12 months unless you are able to show cause to the ARC as to why a different outcome is appropriate in the circumstances. The period of exclusion shall be determined by the ARC.

You may make a written submission and/or address the ARC in person.

Appeals from decisions of the ARC are covered under the Assessment Rules at Appendix 2.

## 3.6 Computer Requirements for Online Programs

### 3.6.1 Your computer

You will need to have access to a computer which is connected to the internet. You may use a Mac computer, but College IT support will not be able to assist you with hardware or compatibility problems.

Computers must meet all the College's stated specifications as set out in the Course Handbook or the College website at [www.collaw.edu.au](http://www.collaw.edu.au).

The College is only responsible for the support of software applications associated with the running of the online programs. If network configurations associated with a work computer interfere with the configuration and running of the online programs, you will be wholly responsible.

You MUST have up-to-date virus scanning equipment installed on your computer and you may be required to sign a disclaimer in relation to this issue.

You are responsible for the maintenance of your own hardware and printers.

College computer support staff will not provide individual tuition in any software applications.

### 3.6.2 Access from outside College – important note

In the online programs you have the opportunity to complete much of the work away from the College. You will need to organise an account with any Internet Service Provider (for example Telstra Bigpond, Iprimus, OptusNet). It is your responsibility to ensure your internet service is properly installed and functioning.

### 3.6.3 Access to computers during the onsite program

If attending onsites, you do not need to bring your laptop (if you have one) to the onsite program as you are largely doing skills based subjects or assessments at this time. There are wireless facilities for internet access for your portable computer at the College. You are responsible for the security of any portable computer or personal equipment that you bring to College premises.

Depending on the location of your onsite you may have access to computer terminals while you are onsite. You should enquire about these facilities from computer support before attending.

### 3.6.4 Computer support

IT Support Helpdesk hours are Monday to Friday (excluding Public Holidays) – 9.00 am-5.00 pm EST (or summer time if appropriate).

The IT Support team can be contacted on:

Telephone

1300 856 112 or 61 2 9965 7096

Email:

[support@collaw.edu.au](mailto:support@collaw.edu.au)

### 3.6.5 Printing

While it is not consistent with an electronic program to supply printed copies of materials available online, the online programs provide access to many documents that may be printed. You should use your discretion as to which materials to print.

You must settle printing, and any other charges, with the College, before the College issues your final results.

## 3.7 Co-operative courses with firms – special provisions

This section is relevant only to the Practical Legal Training Program and is not reproduced in the Post-admission Program Manual.

## 3.8 Library

All students enrolled in Applied Law Program have full access to the online library collection. There is a physical library at the St Leonards campus available for the use of all students but there is no disadvantage for students unable to access the physical library.

## 3.9 Access to and security of the building and its equipment

### 3.9.1 All College premises

You must observe all the rules relating to the occupation and use of College premises and equipment. These rules may be rules of the College and/or of the owners and tenants of the building in which the course is conducted.

For College premises other than the St Leonards campus you should observe the procedures referred to in this section of the manual as follows:

- o observe all the procedures which are referred to as being applicable to all premises, and
- o observe, as appropriate, the procedures which are referred to as being applicable at St Leonards.
- o When you attend for your onsites your lecturer or the Program Director will inform you of specific aspects of building and equipment security to be observed at all College premises.

### 3.9.2 Hours of access (at St Leonards)

The College building is open between 7.30 am and 6.00 pm. The building is locked at 6.00 pm and lights, air conditioning, and the lift to certain floors are turned off at 5.00 pm. Computers are also shut down at 6.00 pm. Stairway access to all but the ground floor external door ceases after 5.00 pm.

For security reasons, you are asked to vacate the building by 5.45 pm and to shut off the lights and equipment in your room. Security checks are made throughout the night. Persons then in the building will be required to leave and to provide identification and they may be reported to the Program Director. You must not leave open or prop open external doors. There is no access to level 1 after 5.00 pm.

The building is also accessible to the public. You should note that from time to time, persons have entered and thefts have occurred. You are asked to assist in the maintenance of security within the College by:

- o not leaving your money and valuables unattended. The College does not accept any responsibility for your personal items, including course materials, and
- o reporting any suspicious circumstances to the first member of staff you see.
- o Do not approach or question any strangers who may enter teaching areas or offices.

### **3.9.3 Access to areas (at all College premises)**

#### ***At St Leonards***

You are not permitted access to certain areas of the building. In particular, you are not permitted access to:

- o areas used by administrative staff (including the area behind the counter on level 1)
- o any store rooms
- o kitchen areas, except on the ground floor
- o the roof, or
- o rooms containing electrical switching equipment or air conditioning plant.

#### ***At other College premises***

You are only permitted access to those parts of the building used for the course.

### **3.9.4 Lifts and fire stairs (at St Leonards)**

The fire stairs on the south east corner of the building are normally available in addition to lifts for movement between all floors. The stairs are often quicker for access purposes.

### **3.9.5 Care of student rooms and building (at all College premises)**

You must take care to avoid unnecessary wear and tear or damage to the building, furniture and equipment. In particular you must not:

- o affix notices, signs, pictures or other materials to walls, doors or other surfaces apart from designated notice boards, or put nails, screws or press studs into any walls, doors, other surfaces or equipment.
- o The College may remove any notice or other material from the notice boards or elsewhere. You are responsible for your room and the equipment in it and may be called on to contribute to the cost of any repairs.

You must not move furniture from one room to another, including desk drawers which are not interchangeable. You must not move desks within rooms unless authorised by a member of College staff.

Blinds must not be raised where that would interfere with the air-conditioning.

### **3.9.6 Accidents, loss or damage to equipment (at all College premises)**

You must report promptly all cases of accident, damage, loss and faults in electrical, air conditioning and other equipment to a member of College staff.

### **3.9.7 Audio-visual equipment (at all College premises)**

From time to time, computers, film projection, videotape, sound, and other audio-visual equipment are used during the course.

You must not move or interfere with this equipment in any way.

### **3.9.8 Smoking (at all College premises)**

You are not permitted to smoke inside College premises.

### **3.9.9 Eating and drinking (at all College premises)**

You must not eat or and drink, or use electrical appliances for these purposes, in College premises. However, you may eat and drink in the Canteen and in student rooms at St Leonard's subject to their being kept tidy (including food wrappings, drink cups and scraps must be wrapped and placed in waste bins).

Except where expressly authorised by the Program Director alcohol is not permitted on College premises.

### **3.9.10 Children (at all College premises)**

The College does not have facilities for the care and safety of children. For this reason and to avoid disruption and inconvenience to other students, you must not bring children to the College.

### **3.9.11 Disruptive activities (at all College premises)**

In consideration of others, to ensure that students, staff and other persons on the premises are not disturbed by noise or other forms of disruption, you must not:

- use any equipment that reproduces audio or visual images, musical instruments and mobile telephones in College premises, except in areas set aside for their use
- use computers or video monitors to play television programs or non-College videos, or
- play ball games or participate in other disruptive activities on College premises.

### **3.9.12 Fire drills and regulations (at all College premises)**

#### ***At St Leonards***

Fire drills are held regularly.

You may use either of the fire stairs – on the south east and the north west corners of the building for movement between floors. However note that you can only access the second, third, and fourth floors (but not the first or ground floors) from the stairs on the north west corner.

You must not obstruct the doors to the fire stairs at any time. In case of fire, you must observe the evacuation regulations, which are displayed on the notice boards on each floor and students' room notice boards.

There are wardens for each floor. Their names are prominently displayed on the floor's notice board.

The location of the fire stairs, fire extinguishers and hose reels are indicated on the floor plans displayed on the notice board on the level to which it refers.

#### ***At other College premises***

You must observe all fire drills and regulations applicable to the building in which the course is conducted.

### **3.9.13 Animals (at all College premises)**

Animals (with the exception of guide dogs), birds and other creatures are not permitted at any time on College premises.

### **3.9.14 Removal of your materials and personal property at end of course**

#### ***At all College premises***

You must remove all your materials and personal property from College premises by the last day of the course. The College may dispose of any materials or other property which has not been removed as required.

## **3.10 Safety, Security and Welfare**

### **3.10.1 Occupational health and safety**

The College has an Occupational Health and Safety Committee. If you become aware of any hazard or potential hazard please report it to College staff who will inform the relevant person in the College.

You must report any accidents to College staff so particulars may be recorded in the Accident Book.

Before you commence work in, and as required during, the Course read the health and safety information on the College Learning Portal toolbar. This information is in:

- o Your Health and Safety under Course Information, and
- o the User Guides under Help.

### **3.10.2 HIV/AIDS and hepatitis policy**

The College has a commitment to protecting and supporting staff and students in relation to the Human Immunodeficiency Virus (HIV) and AIDS related conditions, the Hepatitis B Virus (HBV) and Hepatitis C Virus (HCV). In particular the College aims to minimise the risk to staff and students of either contracting or transmitting these viruses in work, study or other life situations by:

- o providing a safe and healthy work environment, and undertaking to minimise the risk to staff and students posed by HIV or the Hepatitis B or C viruses

- o protecting staff and students from harassment, discrimination and victimisation in relation to HIV/AIDS or Hepatitis B or C viruses
- o promoting informed awareness, understanding and tolerance by staff and students of issues and concerns in relation to HIV or the Hepatitis B or C viruses, and
- o maintenance of physical and emotional wellbeing in relation to work/study for staff and students who are in some way affected by HIV or the Hepatitis B or C viruses.

### **3.10.3 Prevention of harassment and discrimination policy**

The College is committed to ensuring that all students and staff are treated fairly and equitably, and that their right to study and work in an environment free of harassment and discrimination is recognised. The College requires all staff and students to respect each other's dignity and to treat each other with courtesy, honesty and sensitivity to their rights.

The College does not allow or condone harassment or discrimination of staff or students by other members of staff, students, or other persons; nor does it allow or condone harassment or discrimination of students by members of staff or other students, on the grounds of race, sex, age, disability, political or religious belief. The relevant Program Director will ensure that this policy is implemented, and will treat any complaint seriously and sympathetically in appropriate ways which ensure that complainants and witnesses are not victimised. Complaints will be investigated thoroughly, fairly and confidentially in accordance with the College's complaints policy guidelines in this manual.

Disciplinary action may be taken against anyone found to have committed harassment or discrimination on any basis. All students and staff have responsibility to contribute to the achievement of a productive, safe and equitable study and work environment by avoiding practices which lead to, support or condone harassment or discrimination on any basis.

### **3.10.4 Privacy of student records policy**

The College treats students' records as confidential.

Information in a student's records will only be used by College staff in fulfilling the legitimate and authorised purposes of the College. Unless authorised by legislation, a student's permission will be sought before disclosure of any information from that student's records.

### **3.10.5 Working with your computer - health issues and ergonomic recommendations**

Much of the online program is delivered by computer. This will involve you in spending many hours in front of the computer. Prolonged or improper use of a computer workstation may pose a risk of serious injury. To reduce these risks, before you commence work in, and as required during, the course read the information on the College Learning Portal toolbar. This information is in:

- o the User Guides under Help, and
- o Your Health and Safety under Course Information.

### **3.10.6 Student Counselling**

#### **Academic Matters**

Where students feel they are in need of academic counselling, they should in the first instance contact their lecturer to discuss the matter. If the student feels the need to go beyond the lecturer, they should contact the Program Director or the Student Liaison Officer.

#### **Non-academic Matters**

Where a student has problems which go beyond his/her enrolment with the College of Law but have the propensity to affect his/her ability to complete the course, the student should contact the Program Director or the Manager, Student Services who will, if requested and in appropriate cases, arrange a consultation for the student with a professional counsellor. The College will pay for one such first consultation for the student.

## **3.11 Complaints and disputes**

### 3.11.1 Policy and guidelines

The College's complaints and disputes policy applies to all complaints, whether non-academic or academic, brought by students. The College's procedures regarding non-compliance by students with College policies and procedures are contained in Appendix 1 of this manual, as well as the Assessment Rules in Appendix 2.

#### Policy

This policy applies to all students, including students not yet enrolled with the College or seeking to enrol, and irrespective of the location where the matter complained of has arisen, a student's place of residence or the course the student is undertaking.

For all complaints and disputes, non-academic and academic, the College will apply the following principles, which comprise its complaints and disputes policy:

- o resolution will be sought at the most appropriate level commensurate with the seriousness of the complaint
- o mediation will occur wherever possible
- o the principles of natural justice will be observed
- o documentation will not be necessary at the initial stage, but will be required if a complaint is of a serious nature, or is not readily resolved
- o confidentiality will be preserved to the extent possible to achieve resolution of the complaint
- o the College will take steps to ensure that neither the complainant nor the respondent will be victimised or discriminated against
- o both the complainant and the respondent may be accompanied and assisted by a third party if desired
- o both the complainant and the respondent may request reasons for decisions to be in writing at any phase of the process
- o the College will ensure that all staff are aware of these principles and procedures
- o the College will not charge the student any costs or fees in relation to the complaints and disputes process
- o nothing in the policy and the guidelines, processes and procedures pursuant to the policy affects a student's rights to seek remedies at law where available.

#### Guidelines

For all complaints and disputes, non-academic and academic, the College will follow these guidelines in applying the complaints and disputes policy:

- o where the complaint relates to a staff member, the College will not discuss it with that staff member nor reveal the student's identity without first advising the student
- o written material will be kept confidential and will not be shown to anyone who is not directly involved in handling the complaint. When the complaint is finalised, all written material will be placed on a confidential file (not the student's or staff member's personal file), and kept on file for a period of five years. During this time the materials will be treated as confidential documents accessible only to interested parties. After five years, the file and materials will be destroyed
- o the assistance of the Student Liaison Officer will be sought, where appropriate, with the student's consent
- o where a complaint involves an allegation of serious misconduct by a staff member, the Program Director will report the matter to the Principal, and will take no further action unless directed by the Principal
- o the College will not act if the complaint relates to circumstances outside:
  - the premises of the College
  - the course or terms of staff employment, and/or
  - the student's capacity as a student
  - meetings may be by tele or video conference where most convenient to all parties.

### 3.11.2 Student Liaison Officer

The name of the current Student Liaison Officer, who can give you guidance in the conduct of complaints and disputes, can be obtained from the relevant Program Director. If you have a grievance or complaint that cannot be resolved internally, the College will advise you of the appropriate body where you can seek further assistance.

### 3.11.3 Non-academic complaints and disputes procedure

If you have a complaint relating to:

- o a member of staff
- o another student, or
- o the administration of a course,

you may bring the complaint to the relevant Program Director for consideration in confidence.

After you have supplied to the Program Director sufficient particulars of the complaint for it to be adequately considered, the Program Director will advise you of the manner in which he/she proposes to deal with the complaint.

If after 21 days:

- o the complaint is not resolved to the satisfaction of all parties, or
- o appropriate action has not been taken in respect of the complaint,

you may bring the complaint to the notice of the General Manager, Education.

If you bring the complaint to the notice of the General Manager, Education the General Manager, Education, or his/her delegate, will set up a meeting with you within seven days in order to seek a resolution. The General Manager, Education, or his/her delegate, will resolve the complaint within 14 days of the meeting.

If you are not satisfied with the General Manager, Education's determination and the outcome of the complaints and disputes process, you may appeal in writing to the Chief Executive Officer of the Law Society of NSW within 28 days of receiving written notice of the General Manager, Education's determination. The Chief Executive Officer, or his/her delegate, will set up a meeting with the student within 14 days in order to seek a resolution. The Chief Executive Officer, or his/her delegate, will resolve the complaint within 14 days of the meeting.

It will be the responsibility of the relevant Program Director to implement any determinations of the General Manager, Education or the Chief Executive Officer of the Law Society of NSW.

### 3.11.4 Academic complaints and disputes procedure

This clause does not apply to complaints and disputes concerning allegations of unsatisfactory academic conduct or academic misconduct against students, which are dealt with at 3.12.

If you have a complaint relating to an academic matter, you may bring the complaint to the Program Director for consideration in confidence.

Any student who is dissatisfied with a final grade awarded in a subject may apply for a clerical re-addition of the examination marks by contacting the Program Director no later than 14 days after the official date for the issue of results. If an error is found, the mark will be adjusted accordingly. The Program Director will advise the student of the outcome, including any alteration to the grade awarded, within 14 days of the application being received.

If your complaint is in respect of a passing grade, which you wish to appeal, there is a non-refundable administrative charge of \$50. Complaints in respect of passing grades (i.e., where you believe that you should have achieved a higher grade) must be made in writing within 14 days of the publication of the result and must be accompanied by the non-refundable administrative charge.

After you have supplied to the Program Director sufficient particulars of the complaint for it to be adequately considered, the Program Director will advise you of the manner in which he/she proposes to deal with the complaint.

If after 21 days:

- the complaint is not resolved to the satisfaction of all parties, or
- appropriate action has not been taken in respect of the complaint
- you may bring the complaint to the notice of the Assessment Review Committee in accordance with the procedures in the Assessment Rules in Appendix 2 of this manual.

If you bring the complaint to the notice of the Assessment Review Committee, the Assessment Review Committee will set up a meeting with you within seven days in order to seek a resolution. The Assessment Review Committee will resolve the complaint in accordance with the procedures in the Assessment Rules in Appendix 2 of this manual.

If you are dissatisfied with the determination of the Assessment Review Committee and the outcome of the complaint, you may appeal to the Academic Appeals Committee in accordance with the Assessment Rules in Appendix 2 to this manual.

If you are dissatisfied with the determination of the Academic Appeals Committee and the outcome of the complaint, you may appeal to the External Appeals Panel in accordance with the Assessment Rules in appendix 2 to this manual.

It will be the responsibility of the relevant Program Director to implement any determinations of the Assessment Review Committee, Academic Appeals Committee or External Appeals Panel.

### **3.11.5 Overseas Students Ombudsman**

Overseas students (i.e. students holding student visas) can complain or appeal any decision (non-academic) by contacting the Overseas Students Ombudsman. The Overseas Students Ombudsman is free and independent. Find out more at [www.oso.gov.au](http://www.oso.gov.au) or phone 1300 362 072.

## **3.12 Unsatisfactory academic conduct and academic misconduct**

### **3.12.1 Procedure**

If there is an allegation of unsatisfactory academic conduct or academic misconduct against you, the Program Director will advise you of the nature of the allegation and request you to meet with him/her and a senior member of the academic staff to discuss the allegation and determine whether it should be investigated. If you fail to attend this meeting, the question of whether the allegation should be investigated will be decided in your absence.

### **3.12.2 Unsatisfactory academic conduct**

If the Program Director determines that there is an allegation of unsatisfactory academic conduct then the Program Director will:

- advise you of that determination in writing within seven (7) days;
- conduct the investigation; and
- report the result of the investigation to the General Manager, Education within fourteen (14) days of the initial determination.

The General Manager, Education will then consider the report, review any relevant evidence, conduct such further investigation (if any) as he/she thinks fit and make a finding as to whether there has been unsatisfactory academic conduct.

If the General Manager, Education determines that there has been unsatisfactory academic conduct, then he/she may –

- caution you
- reprimand you

- require you to re-submit any relevant item(s) of coursework; and/or
- determine that your participation in the course or course unit or subject has been unsatisfactory and require you to transfer to a later offering of that course to repeat the course or relevant course unit or subject.

### 3.12.3 Academic misconduct

If the Program Director determines that there is an allegation of academic misconduct that warrants investigation, then the Program Director will –

- advise you of that determination in writing within seven (7) days;
- conduct a preliminary investigation; and
- report the result of the investigation to the General Manager, Education within fourteen (14) days of the initial determination.

The General Manager, Education will then

- consider the report
- conduct a further investigation including a review of any relevant evidence
- provide you with a reasonable opportunity to make oral and written submissions to him/her;
- consider any submissions you may make;
- make a finding as to whether there has been academic misconduct and, if so, a determination as to the penalty to be imposed; and
- within seven (7) days of making the finding advise you in writing of the finding, including his/her reasons for the finding and any determination as to penalty.

If the General Manager, Education makes a finding of academic misconduct, then he/she may, depending on the nature and seriousness of the academic misconduct:

- caution you
- reprimand you
- require you to re-submit any relevant item(s) of coursework;
- determine that your participation in the course or course unit or subject has been unsatisfactory and require you to transfer to a later offering of that course to repeat the course or relevant course unit or subject;
- award you a zero mark for the results of any or all forms of assessment for a course unit or subject in which you are admitted or enrolled;
- withhold your results;
- suspend you for a period not exceeding six (6) months;
- exclude you from specified classes or course components for a specified period; and/or
- impose conditions in relation to your participation in the course or program or your use of College premises or facilities.

### 3.12.4 Collusion

Where the allegation involves plagiarism but the General Manager, Education is unable to determine which of two or more students produced the impugned work, the General Manager, Education may make a finding against each student by reason of their collusion with each other.

### 3.12.5 Appeal

Rights of appeal and procedures on appeal are to be found in the Assessment Rules (Appendix 2).

## 3.13 General

### 3.13.1 Conduct

You must comply with the policies, procedures and rules of the College and any reasonable directive of the College or any of its staff.

You must not prejudice the good order and governance of the College or interfere with the freedom of

other persons to pursue their studies, carry out their functions, participate in the life of the College or pursue their rights to be on the premises.

### **3.13.2 Intellectual property**

#### ***Copyright and use of materials***

All course materials (including online materials), practice papers, seminar papers, audio-visual material and other publications and materials used in courses are subject to copyright. Enquiries regarding publications should be directed to the Program Director, who is the College's Copyright Officer.

Access to the College's Learning Portal ,online course materials, hard copy course materials are supplied exclusively to you solely for the purposes of participating as a student in a course. You must not copy the materials, except for your own study purposes. You must not supply them to any other person or permit access to the site or course materials to any other person without the prior written consent of the College. You must keep your User ID and Password confidential.

The LexisNexis Butterworths online library facilities (and the online library facilities of other publishers) are provided solely for your educational purposes as you complete the Course. You must not use them for any commercial or other private benefit to yourself, your firm or your firm's clients or any other persons.

#### ***College logo***

You must not use, depict or display the College logo except in a manner and circumstances first approved by the College.

#### ***Your work***

The College reserves the right to retain the original or one copy of work executed by you as part of the Course, or submitted for any award or competition conducted by the College. This retention does not affect any copyright or other intellectual property right that may exist in the work.

### **3.13.3 Correspondence**

You must address all correspondence to the Program Director of your relevant course and quote your student number.

### **3.13.4 Change of address**

If you change your address you must notify the Enrolments Office in writing or by email to [enrolments@collaw.edu.au](mailto:enrolments@collaw.edu.au).

The College will not accept responsibility if communications fail to reach you because of a change of address.

Overseas students studying under student visas arranged via the College must notify the College of any changes to contact details, including address and telephone number. Failure to do so may result in the cancellation of a student's visa.

### **3.13.5 Notices**

The College may display notices on notice boards on the premises. You should acquaint yourself with those notices that concern you.

Notices may be posted electronically in the online programs.

If you fail to read any notices, or misread or misunderstand any notice, this will not be accepted as a reason for your being unaware of the contents of the notices.

### **3.13.6 Facsimile and telephone**

You must not:

- use the College fax facility for incoming or outgoing material, and
- receive incoming telephone calls except in cases of emergency.

### **3.13.7 Australian Document Exchange**

You may not use the College's facilities of the Australian Document Exchange (DX) either to receive or send mail.

### **3.13.8 Mobile telephones**

You must not use, and must switch off, your mobile telephone on the premises during scheduled activities.

### **3.13.9 Evaluation**

The College actively seeks comprehensive feedback on all aspects of its programs including teaching, materials and administration. Your participation in the evaluation process is encouraged and appreciated. Changes are regularly incorporated in the programs as a result of feedback from students.

In order to provide feedback to your lecturers and to course managers you will be asked to complete a series of questionnaires at intervals throughout the Course. You may also be approached for feedback by the College or market researchers on behalf of the College either during or after the Course. Your responses are confidential and will be used to develop and improve the relevant Course.

If you have any comments, concerns or suggestions at any other time which you think would be helpful to us, please address them to the Program Director or your lecturer.

## Appendixes

### **Appendix 1 – Procedures where Non-Compliance with Policies and Procedures (student non-compliance)**

#### **1 Compliance with policies, procedures and rules**

Your enrolment is on the condition that you comply with the policies and procedures relating to students and with the Assessment Rules (Appendix 2) in this manual.

The following paragraphs set out the applicable procedures in the event of student non - compliance with policies and procedures in this manual.

#### **2. Procedures regarding student non - compliance and the College's right of summary exclusion**

##### **Summary exclusion from classes or a course**

- 2.1 A member of College staff who is conducting a class or course component may exclude you from the class or component if he or she reasonably suspects you of student non - compliance and will advise you of the grounds of his/her suspicion at the time of exclusion or as soon as practicable.
- 2.2 The librarian, or any member of library staff, may exclude you from their library if he or she suspects you of student non - compliance in relation to their library.
- 2.3 Any member of College staff responsible for the operation or maintenance of any College premises or facility may exclude you from the premises or facility, or from the use of the premises or facility, if he or she suspects you of student non - compliance in relation to the premises or facility.
- 2.4 Unless sooner revoked, an exclusion under this clause ceases to have effect:
- (a) in the case of the exclusion from a class or component, at the end of the day on which you were excluded;
  - (b) in any other case (with the exception of a finding of academic misconduct), at the expiration of seven days from the day on which the alleged breach of discipline occurred;
  - (c) in the case of a finding of academic misconduct, at the discretion of the Principal; and
  - (d) an exclusion under subclause (c) may be permanent.
- 2.5 A person who excludes you from a class or course component, from the library, any other College facility or from College premises must notify the Program Director as soon as practicable after the exclusion takes place.
- 2.6 If a member of College staff suspects you of student non-compliance in relation to the policies, procedures and rules during an examination or other assessment task or work relating to participation in the Course, the staff member has the right to take prompt action to prevent the continuance of the suspected non-compliance and must provide a written report to the Program Director as soon as practicable.

##### **Inquiries into alleged student non-compliance**

- 2.7 The Program Director may (whether as a consequence of the making of a complaint or otherwise) cause inquiries to be made in relation to any student non-compliance that is alleged to have been committed by you.
- 2.8 The Program Director may exclude you from the College while such enquiries are being made. After exclusion, the Program Director may allow you to re-enter the College, with or without conditions (including transfer to another course) as are appropriate in the circumstances.

##### **Program Director to issue show cause notice**

- 2.9 If the Program Director, after inquiry, determines that there has been student non-compliance by you, the Program Director:

- (a) must give you a reasonable opportunity (being a period of not less than seven days) within which to make written representations to the Program Director in relation to any penalty to be imposed for the alleged student non-compliance ; and
- (b) must take into account any written representations you make during that period.

### **Program Director to dismiss certain matters**

- 2.10 If the Program Director determines after consideration of your further representations that there should be no finding of student non-compliance against you, the Program Director must inform you accordingly.

### **3. Consequences of student non-compliance**

- 3.1 If the Program Director determines that there has been student non-compliance by you, amounting to unsatisfactory conduct, the Program Director may, taking into account your previous disciplinary record and after consultation with the Principal, take any one or more of the following actions:

- (a) withhold your results;
- (b) suspend you for a period not exceeding six months;
- (c) exclude you from specified classes or course components for a specified period;
- (d) exclude you from College premises or specified College facilities for a specified period;
- (e) if the student non-compliance involves loss or damage to property of the College - require you to repay to the College a specified amount not exceeding the amount of the loss or damage;
- (f) impose conditions in relation to your participation in the course or program or your use of College premises or facilities ;
- (g) caution or reprimand you;
- (h) require you to transfer to another course.

- 3.2 Student non-compliance involving unsatisfactory academic conduct or academic misconduct shall be dealt with in accordance with clause 3.12 of the Course Manual.

- 3.3 The Principal may and, where obliged, will report the fact and the circumstances of the student non-compliance involving unsatisfactory academic conduct or academic misconduct to any one or more of the following:

- (a) the College Board
- (b) the council of the legal professional association in the relevant jurisdiction or jurisdictions for your course:
- (c) the relevant court and admitting authorities in the relevant jurisdiction or jurisdictions for your course

- 3.4 The Program Director must notify you as soon as practicable of:

- (a) any decision made pursuant to these rules, and
- (b) his or her reasons for the decision.

### **4. Right of appeal**

- 4.1 Any student wishing to appeal the finding of non-compliance is referred to the complaints and disputes procedures at Clause 3.11 of this manual.

- 4.2 Appeals against findings of unsatisfactory academic conduct or academic misconduct lie to the Academic Appeals Committee (see Assessment Rules – Appendix 2).

- 4.3 Appeals against findings of non-academic non-compliance lie to the Principal (see clause 3.11.2).

## Appendix 2 - Assessment Rules

### 1. Application of these rules

These rules apply to all students enrolled in a Course or Subject.

### 2. Participation requirements to be eligible for assessment

To be eligible for assessment in a subject, you must attend and participate in all activities referred to in the course timetable and course materials.

The College may take into consideration:

- o your undertaking activities, exercises and learning resources in a subject, and
- o whether in so doing your work was of a satisfactory standard
- o if it becomes necessary to determine whether you have participated in a subject in order to be eligible for assessment.

### 3. Criteria for assessment

3.1 The assessment requirements for each Subject are described in the relevant Subject Outline.

3.2 To pass a subject in a course, you must satisfy the assessment requirements for that subject which may include either or both of:

- o achieving a total mark equivalent to 50% or more of the assessment tasks in that subject, and
- o in the Practical Legal Training Program completing all course work to the standard that would reasonably be expected of a newly admitted solicitor in practice.

3.3 To pass the Professional Program, you must:

- o pass each subject in the Practice and Professional areas of the course
- o pass two elective subjects in the course, one from Group 1 and one from Group 2, and
- o complete the Work Experience Component and the Continuing Professional Education Component of the Program.

3.4 To pass an Applied Law Program course, you must pass all core subjects and electives as required.

3.5 By submitting work for assessment you are warranting to the College that the work is your own. All sources and quotations should be properly acknowledged and referenced to avoid the implication that you may be presenting the work of others as your own. There are potentially very serious consequences for students found to have engaged in unsatisfactory academic conduct or academic misconduct, including exclusion from the course and, in appropriate circumstances, reference to the relevant court and admitting authorities in the relevant jurisdiction or jurisdictions for your course (see clause 3.3 of Appendix 1 to this manual.)

### 4. Examinations and skills assessments in a subject

The College conducts examinations and skills assessments at the times shown in the course timetable. (These are the assessment components referred to in these rules). The College may reschedule the assessments. If it does, the Program Director will nominate the times for the assessments.

### 5. Completion of course work in a Subject – Applied Law Program

5.1 You must complete all course work in a subject within the time shown in the course timetable. Compliance with the time limits is a criterion of assessment. (Course work includes all skills assessments, assignments, activities, practical work, performance roles and other work).

5.2 If you are unable to submit any course work, whether it is for feedback or assessment, you may request an extension for that course work from your lecturer of up to two (2) days. You must request the extension in writing and provide reasons. The lecturer has absolute discretion whether to allow the extension. Should you require an extension of more than two days, you must apply in writing to the

Program Director, setting out your reasons and the date by which you propose to submit the relevant course work. Approval is at the discretion of the Program Director.

- 5.3 If you fail to obtain an extension prior to the timetabled due date for submission and the course work is an activity for feedback, it is at the lecturer's discretion whether or not they provide feedback and the timeframe in which it is provided, if at all.
- 5.4 If you fail to obtain an extension prior to the timetabled due date for submission and the course work is an assessable activity, the maximum mark you can be awarded will entitle you only to a Pass grade for that activity. Any course work submitted more than ten (10) days after the timetabled date for submission without a prior approved extension granted in accordance with 5.2, will receive zero marks.

## 6. Grading in subjects

- 6.1 Your marks for the assessment components in each subject are given the weighting set out in the course materials. (These materials are given to you when a course commences, or in the PPO are available online). Those marks are then added up to give a score out of 100.
- 6.2 The College then converts your score to a grade in accordance with the following table:

Grade	Mark	Criteria
High Distinction	85-100	Work of outstanding quality with full coverage of all content/performance requirements
Distinction	75-84	Work of superior quality with full coverage of all content/performance requirements
Credit	65-74	Work of sound quality with adequate coverage of content/performance requirements
Pass	50-64	Work of satisfactory quality with adequate coverage of content/performance requirements
Fail	0-49	Work of unsatisfactory quality and/or inadequate coverage of content/performance requirements

In the Practical Legal Training Program the subject "Professional Skills" are assessed on a Satisfactory/Not Satisfactory basis applying the Pass/Fail criteria.

### 6.3 You are only notified of your grades and not marks in subjects.

## 7. Procedures on final assessment

If the College's Assessment Review Committee decides that a fail grade does not reflect your performance in a subject, it may defer your final assessment in that subject until you complete such further work and assessments as the Assessment Review Committee sees fit.

Supplementary assessments are offered on programmed examination dates. Programmed examination dates are scheduled during course onsites. The dates of the onsites are on the College website at [www.collaw.edu.au](http://www.collaw.edu.au)

## 8. Submissions to Assessment Review Committee

- 8.1 You may make a submission to the Assessment Review Committee. To do so, write to the Program Director within 14 days of final timetabled day of the course in which you are enrolled.
- 8.2 If you want to make a submission based on illness or misadventure, include medical or other appropriate evidence.
- 8.3 You may appear personally before the Assessment Review Committee and make oral submissions.

## 9. Academic Appeals Committee

- 9.1 You may appeal to the Academic Appeals Committee against any decision of the Assessment Review Committee, but only on one or more of the following grounds:
- o the Assessment Review Committee has proceeded contrary to these rules
  - o the Assessment Review Committee has failed to consider information which you have put before it

- o the Assessment Review Committee has misdirected itself
- o the Assessment Review Committee has proceeded contrary to the principles of natural justice
- o assessment requirements or procedures were changed contrary to these rules.

9.2 You may appeal to the Academic Appeals Committee against a finding that you have engaged in unsatisfactory academic conduct or academic misconduct, but only on one or more of the following grounds:

- o the General Manager, Education proceeded contrary to these rules
- o the General Manager, Education failed to consider information which you put before him or her
- o the General Manager, Education misdirected himself or herself
- o the General Manager, Education has proceeded contrary to the rules of natural justice.

9.3 Your appeal must:

- o be in writing
- o clearly state the grounds of the appeal, and
- o be received by the College within 21 days of the date the College sends you notice of the decision against which you are appealing.

9.4 The Academic Appeals Committee will send you written notice of the time, date and place of its meeting.

9.5 If you appeal, you have the right to appear personally before, and to address, the Academic Appeals Committee, as well as the right to make a written submission to the committee.

## **10. External Appeals Panel**

10.1 You may appeal to the External Appeals Panel against any decision of the Academic Appeals Committee, including a decision relating to a finding of unsatisfactory academic conduct or academic misconduct, but only on one or more of the following grounds:

- o the Academic Appeals Committee has proceeded contrary to these rules
- o the Academic Appeals Committee has failed to consider information which you have put before it
- o the Academic Appeals Committee has misdirected itself
- o the Academic Appeals Committee has proceeded contrary to the principles of natural justice
- o assessment requirements or procedures were changed contrary to these rules.

10.2 Your appeal must:

- o be in writing
- o clearly state the grounds of the appeal, and
- o be received by the College within 21 days of the date the College sends you notice of the Academic Appeals Committee's decision.

10.3 In normal circumstances, an appeal to the External Appeals Panel will be via submission of written statements by the student and the chair of the Academic Appeals Committee.

10.4 If you appeal, you may apply to appear personally before, and to address, the External Appeals Panel in addition to making a written submission. Permission to appear personally (or via video or teleconference) and to address the External Appeals Panel is not to be unreasonably withheld.

10.5 In normal circumstances, the External Appeals Panel will make its decision and advise you in writing of the decision within 14 days of receiving your written submission or of your appearance in person, whichever is the later.

## **11. Exemption from attendance requirements**

11.1 The College may exempt you from attendance requirements where there are exceptional circumstances of medical or personal hardship.

11.2 If you want to make such an application, you must apply in writing to the Program Director.

11.3 If the College grants you an exemption, you must still comply with all the assessment criteria.



## **12. Plagiarism, collusion and cheating**

- 12.1 All work which you submit for assessment or participation in the Course must be your own work unless otherwise directed by the College. Please read carefully the definitions of Plagiarism, Collusion, Cheating, Unsatisfactory Academic Conduct and Academic Misconduct in the Definitions and Abbreviations section of this manual.
- 12.2 You must not:
- copy from or submit, or
  - attempt to copy from or submit
  - the work of another student, ex-student or any other person.
- 12.3 You must not permit another student, ex-student or prospective student to have access to or submit your work or any part of it.
- 12.4 You must not acquire or be in possession of or distribute examination materials or marking guides for any assessment task without the express permission of an academic member of staff.
- 12.5 The College may require you to certify that work which you submit for assessment or participation in the Course complies with these Rules.

In any case where copying or other Plagiarism, Collusion, Cheating or non-compliance with these Rules has occurred, the General Manager, Education may:

- require you to carry out such alternative and/or additional assessment tasks as he/she deems fit; and/or
- find such copying, Plagiarism, Collusion, Cheating or non-compliance to be Unsatisfactory Academic Conduct or Academic Misconduct and deal with it in accordance with clause 3.12 of this manual.

## **13. Miscellaneous**

### **13.1 Nomination of other officers, committees or boards**

Any officers, committees or boards of the College authorised or required under these rules to exercise any authority, duty or responsibility may nominate another appropriately qualified officer or committee to exercise that authority, duty or responsibility.

## Appendix 3 - Selection Procedures

### 1. Practical Legal Training Program

1. The College sets no criteria for selection into the Practical Legal Training Program with the following exceptions:

#### Australian Students and Permanent Residents

- o a student must have completed a law degree or other qualification entitling them to be admitted as a legal practitioner in a state or territory of Australia;
- o a student must enrol in a given course by the published enrolment date;
- o a student must sign and return the Acknowledgment of Penalty form to be enforced by the College against students who withdraw from the course after commencement but prior to the Census Date.

#### Overseas Students

- o a student must have completed an overseas law degree or other qualification entitling them to be admitted as a legal practitioner in a state or territory of Australia, with or without additional undergraduate subjects to be undertaken, as advised by the Legal Profession Admission Board; OR
  - o a student must have completed an overseas law degree or other qualification entitling them to be admitted as a legal practitioner in their own country;
  - o a student must enrol in a given course by the published enrolment date;
  - o a student must pay the course tuition fee by the published enrolment date.
- 2.1 In certain circumstances, at its own discretion, the College may relax the need to have completed a law degree (or other qualification entitling them to be admitted as a legal practitioner) prior to commencement of the Practical Legal Training Program.
  - 2.2 In order to make an application under 2.1, a student must demonstrate to the satisfaction of the College that:
    - o they have less than a full time undergraduate load remaining (over one semester); and
    - o refusal of the application would result in hardship.
  - 2.3 Applications under 2.1 should be made to the Program Director at least one month prior to commencement.

### 3. Applied Law Programs

All Applied Law Programs require applicants to:

- o hold an undergraduate or postgraduate law degree and (unless exempted by the College of Law Academic Board (COLAB))
- o be admitted as a legal practitioner, with the exception that the COLAB may approve applicants for the In-house Program in accordance with the procedures detailed at 2.1.3 of the Post-Admission Program Course Manual.

## **Appendix 4 - Review Procedures**

### **Recrediting Fee-HELP (s 104-25)**

1. In ordinary circumstances, a student incurs a Fee-HELP liability at the Census Date. The College will recredit a student's Fee-HELP balance in special circumstances that:
  - o are beyond the student's control; and
  - o do not make their full impact on the student until on or after the course Census Date; and
  - o make it impractical for the person to complete the requirements for the course of study during the period in which the student was scheduled to undertake the course.

#### **Special circumstances**

- 2.1 The College considers that special circumstances exist as described in Chapter 5 of the Guidelines for Student Learning Entitlement (the SLE Guidelines) created under the Higher Education Support Act 2003.
- 2.2 Without limiting the generality of clause 5.5.5 of the SLE Guidelines, the College will generally not regard circumstances to be unusual, uncommon or abnormal where they relate to employment workload, new employment or holidays.

#### **Application**

- 3.1 If a student wishes to make an application for recrediting their Fee-HELP balance, the student must make an application in writing to the Manager of Student Services before the end of the application period (see below).
- 3.2 The application must include all relevant supporting documents (e.g., doctor's certificate).

#### **Application period**

- 4.1 The application for recrediting must be made within 12 months of the student's receipt from the College of a notice of withdrawal, or, if no such notice is issued, within 12 months of the end of the course in which the student was enrolled.
- 4.2 The Manager of Student Services may, at his or her own discretion, waive the requirement for the application to be made within the application period, if the Manager of Student Services is satisfied that the application could not possibly have been brought within that time.

#### **Reasons for decision**

- 5.1 Once the Manager of Student Services has determined whether or not special circumstances exist which warrant the recrediting of Fee-HELP balance, the Manager of Student Services will notify the applicant as soon as is practicable.
- 5.2 In giving notice under clause 5.1, the Manager of Student Services will always include a statement of reasons for the decision.

#### **Review of decision by Review Officer**

- 6.1 In the event that an applicant is not satisfied with the Manager of Student Services' decision under clause 5, the applicant may apply in writing to the Review Officer for a review of the Manager of Student Services' decision.
- 6.2 The Review Officer at the College of Law is the Director, Academic Audit and Policy.
- 6.3 An application for review of the Manager of Student Services' decision must be made within 28 days of the student having received the Manager of Student Services' notice of decision.
- 6.4 An application for review of the Manager of Student Services' decision must state the reasons why the applicant believes the review is warranted.

- 6.5 The Review Officer will give a notice of receipt to the applicant advising that if the reviewer has not advised the applicant of the outcome within 45 days of receiving the application for review, the reviewer is taken to have confirmed the original decision.
- 6.6 The Review Officer's notice of receipt will also advise the applicant of his or her right to appeal the decision of the Review Officer in the Administrative Appeals Tribunal and provide details of the address of the nearest registry of the AAT and approximate costs.
- 6.7 The Review Officer will give written notice of the outcome of a decision including reasons for the decision and, once again, provide details of the address of the nearest registry of the AAT and approximate costs.

#### **Appeal to AAT**

- 7.1 A student who remains unsatisfied with the Review Officer's decision may appeal to the Administrative Appeals Tribunal (AAT).
- 7.2 In the course of an appeal to the AAT, the student may supply additional information to the AAT which was not supplied to the College in the original applications for recrediting of Fee-HELP balance.
- 7.3 If a student makes an appeal to the AAT under clause 7.1, the respondent in the matter will be the Secretary of the Department of Education, Employment and Workplace Relations or his or her delegate.
- 7.4 The New South Wales registry of the AAT is at:
- Administrative Appeals Tribunal  
Level 7, 55 Market Street  
Sydney

Further information about registries and filing fees can be found at <http://www.aat.gov.au/#>

Filing fees are subject to change, but the fee as at November 2011 was \$777, and may be considered indicative of likely costs for the medium term.