

Refund Policy and Procedure HEPP25

PURPOSE	
This policy and procedure set out the process for the management of refunds for students of the Institute.	
SCOPE	
This policy covers the refunds process for all fees payable for education services provided within the Institute scope of registration, in accordance with the HESA 2003. The policy and procedure apply to all staff of the Institute who are responsible for the processing of refunds and/or collecting of outstanding tuition fees and/or are attending to student queries in respect to refunds and payable tuition fees (for both domestic and international).	
DEFINITIONS	
Administration Charges	Administrative charges associated with withdrawing from a program. It is money already spent by SCEI-HE on the student's behalf.
Deposit	Applicable to international students only – a non-refundable fee if the student cancels their studies after confirmation of enrolment has been processed. If the student commences studies, the deposit is credited to Semester 1 fees.
DHA	Department of Home Affairs
HESA	The Higher Education Support Act 2003 is the main piece of legislation governing higher education in Australia.
Provider Default	Under HESA and Guidelines a registered provider defaults, in relation to an enrolled student or intending student and a course at a location, if: <ul style="list-style-type: none"> the provider fails to start providing the course to the student at the location on the agreed starting day; or after the course starts but before it is completed, it ceases to be provided to the student at the location; and the student has not withdrawn from the course before the default day.
SCEI-HE	Southern Cross Education Institute (Higher Education)
Student	Active, on-campus student with a current course of enrolment with SCEI-HE who, as specified in this policy, is either an onshore International or a domestic student.
Student Default	The registered provider of the course refuses to provide, or continue providing, the course to the student at the location because of 1 or more of the following events: <ol style="list-style-type: none"> the student failed to pay an amount he or she was liable to pay the provider, directly or indirectly, in order to undertake the course; the student breached a condition of his or her enrolment agreement; misbehaviour by the student.
Study Period	Refers to a period of time in which a unit is offered e.g., 1 semester.
TPS	Tuition Protection Service
Tuition Fees	Fees an education provider receives from a student that relates to the provision of a course that the education provider is providing, or offering to provide, to the student.
Unused Tuition Fees	The amount of fees paid for the study period that a student withdraws from before that study period commences.

POLICY

1. Commitment on Refunds

- 1.1 The refund process reflects the commitment by SCEI-HE to retain places offered to students and the subsequent administrative resources consumed at the various stages. SCEI-HE, in considering a request for a refund of tuition fees, complies with relevant legislation.
- 1.2 Domestic students who withdraw from a unit, from their program, or take leave of absence before the relevant census date, will have their student account re-credited.
- 1.3 For international student refund terms, please refer to 'Table 1: Refunds for International Students'.
- 1.4 Any material fees and/or administrative costs that are not eligible for refund are outlined on the application form. These are generally for services that have previously been supplied to and/or consumed by the student (domestic and international).

2. Domestic Students on FEE-HELP Who Withdraw

2.1 Prior to Census Date

Where students withdraw from a course prior to the census date, their FEE-HELP liability will be cancelled in full.

2.2 After the Census Date

Where students withdraw from a course after the census date, their FEE-HELP liability remains, and students must apply for any refund under 'special or extenuating circumstance,' if such exists, direct to the SCEI-HE Student Accounts/Welfare Department.

2.3 Additional

- 2.3.1 A student may make an application to have their FEE-HELP balance re-credited within 12 months of the withdrawal date for a unit.
- 2.3.2 If the student has not formally withdrawn, within 12 months of the end of the period in which the unit was to be undertaken, they may make an appeal for re-credit on the basis of special circumstances; or
- 2.3.3 The 12-month period may be waived on the grounds that it was not possible or reasonable for the student to apply within the 12-month period.

3. Full Fee-Paying Domestic Students Who Withdraw

3.1 Prior to Census Date

Where students withdraw from a course prior to the census date, all tuition fees paid to SCEI-HE will be refunded in full.

3.2 After the Census Date

- 3.2.1 Where students withdraw from a course after the census date, any tuition fees paid to SCEI-HE for the current study period will not be refunded, and students must apply for any refund under 'special or extenuating circumstances,' if such exist, direct to the Student Accounts/Welfare Department.
- 3.2.2 Where 'special circumstances' are apparent after the census date, students apply to Student Accounts/Welfare, who will seek the relevant Academic Manager's advice on fee remission.

4. Domestic Students Who Defer Studies

4.1 Prior to Census Date

Where students submit a notice of deferment from a course or units prior to, or on, the census date, all tuition fees paid to SCEI-HE will be refunded in full.

4.2 After the Census Date

Where students submit a notice of deferment from a course after the census date, the student is entitled to a full transfer of all paid tuition fees to the nominated re-commencement date; but not a refund of the current fees.

5. Administration

- 5.1 SCEI-HE will not provide refunds if misleading or fraudulent information or documentation is provided by the student.
- 5.2 SCEI-HE reserves the right to amend refund terms and conditions to align with applicable State and Federal legislation amendments.
- 5.3 A refund of tuition fees will be considered when a student submits a completed Application for Refund form and in line with this policy and procedure. The date the written notice is received by SCEI-HE is the 'default date,' and is the date used for the calculation of any refund and/or cancellation.
- 5.4 All refund information is made available to students through the enrolment process and is included on the

student enrolment agreement form and/or Letter of Offer, which the student acknowledges and agrees to, on signing the student enrolment agreement form/acceptance advice.

- 5.5 A refund application will not be processed where the signature on the refund application form does not match the student's signature, as shown on other documents provided by the student for admission to SCEI-HE.

6. Special or Extenuating Circumstances

An application for a refund under special circumstances will be considered on the basis outlined below. Each refund application will be assessed and determined on its merit. Special circumstances may cover:

- 6.1 **Medical reasons** where a medical condition has been confirmed by a medical practitioner supported by written evidence stating that the student is not fit to continue their studies for a period of more than 12 months.
- 6.2 **Personal reasons** due to unforeseen personal reasons that are beyond a student's control they are unable to continue their studies. Personal reasons such as death or severe medical problems within a family, or unforeseen personal or financial difficulties, so that is unreasonable to expect a student to continue their studies.
- 6.3 **Course-related reasons** where the arrangements for a student's course is changed and as a result, they are disadvantaged to the extent that they are unable to complete the requirements of the course and continue with their studies.
- 6.4 Each application will be considered on its merit **in conjunction with the supporting documentation** provided. Supporting documentation should provide enough detail for an informed decision to be made regarding the case for a refund.
- 6.5 A student requesting a review of a decision about a refund may lodge a formal appeal in writing **within 20 days** of the notification of an unsuccessful refund application to the Manager, Student Administration.

PROCEDURE

1. Domestic Students

- 1.1 In the unlikely event of Provider Default, full fee-paying students will be eligible for a refund of any 'unspent pre-paid tuition fees. Refunds of unspent tuition fees, under Provider Default, will be paid in full within 4 weeks and/or FEE-HELP loan fee re-credited.
- 1.2 If the domestic student wishes to cancel their course, they should strive to do so **before the published Census date**, by completing and delivering to Student Accounts/Welfare the *Refund Application Form HEFOR06*. Where students withdraw from a course before the Census Date, they will be refunded all of any upfront student tuition fees already paid to SCEI-HE.
- 1.3 If the domestic student cancels their enrolment after the published Census date, any refund of their fees or FEE-HELP loan commitment will be contingent on an appeal for special or extenuating circumstances. Where 'special circumstances' are apparent after the census date, students must apply to Student Accounts/Welfare, who will seek the relevant Academic Manager's advice on fee remission, post Census Date.
- 1.4 Special circumstances may include:
- 1.4.1 **Medical reasons** where a person's medical condition has changed to such an extent that he or she is unable to continue studies.
- 1.4.2 **Family/personal reasons** such as death or severe medical problems within a family, or unforeseen family financial difficulties, so that it is unreasonable to expect a person to continue studies.
- 1.4.3 **Course-related reasons** where the arrangements for a student's course is changed and as a result, they are disadvantaged to the extent that they are unable to complete the requirements of the course and continue with their studies.
- 1.5 If the domestic student wishes to defer their studies, they must complete and deliver to Student Accounts/Welfare a completed *Application to Take Leave, Defer or Cancel Enrolment HELET07*.

2. International Students

- 2.1 In the unlikely event of Provider Default:
- 2.1.1 Students will be eligible for a refund of any unspent pre-paid tuition fees. Refunds of unspent tuition fees, under Provider Default, will be paid in full **within 4 weeks**.
- 2.1.2 SCEI-HE may arrange for another course, or part of a course, to be provided to students at no (extra) cost to the student as an alternative to refunding course money. Where the student agrees to this arrangement, SCEI-HE will not be liable to refund the money owed for the original

enrolment. If the student chooses to be placed in another course or unit, the student will be required to sign a document to indicate that the student accepts the course or unit place.

2.2 In the event a student cancels/withdraws from a course:

- 2.2.1 An international student who withdraws from a course for any reason, excluding visa rejection, up to and including 10 weeks before course/semester commencement will receive a full refund of tuition fees minus the Application fees (non-refundable) and the Deposit (non-refundable).
- 2.2.2 An international student who withdraws from a course for any reason, excluding visa rejection, less than 10 weeks before course/semester commencement will receive a 75% refund of the total fees paid to date, minus the Application fees (non-refundable) and the Deposit (non-refundable).
- 2.2.3 An international student who withdraws from a course for any reason, excluding visa rejection, less than 4 weeks before course/semester commencement will receive a 25% refund of the total fees paid to date, minus the Application fees (non-refundable) and the Deposit (non-refundable).
- 2.2.4 An international student who withdraws from a course for any reason, excluding visa rejection, less than 2 weeks before course/semester commencement will not be eligible for any refund.
- 2.2.5 In the case where an international student's visa is rejected due to providing misleading or fraudulent information to DHA, SCEI-HE will not provide any refund to the student.
- 2.2.6 In all the other cases than above, where an international student's visa application is rejected due to some other reasons, the unused tuition fees will be refunded. The *Refund Application Form HEFOR06* must be completed and accompanied by a certified copy of the visa rejection letter from DHA.
- 2.2.7 In the case where an international student's visa extension application is rejected by DHA or DHA cancels the student's existing visa:
 1. If this occurs **prior** to course commencement a full refund of fees will be paid.
 2. If this occurs **after** course commencement, there will be no refund of fees for the current study period. Where tuition fees have been paid for **future study periods**, a full refund will apply.

3. Applying for a Refund – All Students

- 3.1 All applications for refunds must be made in writing by completing *Refund Application Form HEFOR06* and submitted to Student Administration.
- 3.2 All applications for refunds will be processed from the date of application and receipt of **all** required documentation.
- 3.3 If the student is entitled to a refund, the payment will be made within 4 weeks of receiving the student's complete *Refund Application Form*.

4. Appealing a Refund Decision – All Students

- 4.1 If a student wants to appeal the decision of their application for a refund, they may do so by following *Student Complaint and Grievance Policy and Procedure HEPP03*, available at www.scei-he.edu.au.
- 4.2 This Complaint and Appeals Policy and Procedure does not remove a student's right to take action under Australia's consumer protection laws.
- 4.3 SCEI-HE's dispute resolution processes does not remove the student's right to pursue other legal remedies where they feel necessary.

5. The Tuition Protection Service (TPS) – All Students

- 5.1 SCEI-HE, at its own cost, participates in the Tuition Protection Service (TPS) to protect the interest of both SCEI-HE and its students. TPS is an initiative of the Australian Government to assist both, international students as well domestic students studying accessing student loans, whose education providers are unable to fully deliver their course of study. The TPS ensures that students are able to either:
 - 5.1.1 complete their studies in another course or with another education provider, or
 - 5.1.2 receive a refund of their unspent tuition fees.
- 5.2 In the unlikely event the education provider is unable to deliver a course that the student has paid for and does not meet their obligations to either offer an alternative course that the student accepts or pays the student a refund of the unspent prepaid tuition fees (this is called a provider's 'default obligations'), the TPS will assist the student in finding an alternative course or to get a refund if a suitable alternative is not found.
- 5.3 The Tuition Protection Service (TPS) aims to protect the considerable investment international students make in Australian education, and to protect and enhance Australia's global reputation.

6. Administrative Charges – Definition

- 6.1 Administrative charges are associated with withdrawing from a program. Depending on the class of student seeking a refund upon withdrawal from a program, an administration charge will be applied in accordance

with the table below.

6.2 This charge is to compensate SCEI-HE for administrative costs associated with processing the application, facilitating student orientation, subsequent removal from the academic system as well as reporting obligations for the Department of Education, Skills and Employment (DESE) and Department of Home Affairs (DHA) (international students only).

7. Refunds for International Students

There are many more costs incurred by the provider within the categories encompassed by international students and the associated education agents, Visas, and rules, than for domestic students. **Table 1** below details the categories and conditions of refunds for **international students only**.

Table 1: Refunds for International Students

Situation	Eligible Refund	Evidence
Administration charges	Non-refundable	N/a
Visa refusal prior to course commencement	Full refund of tuition fee not including administration charges. The amount of unspent pre-paid fees that the provider must refund the student for the purpose of subsection 47E(2) of the Act is the total amount of the pre-paid fees the provider received for the course in respect of the student, less the following (administration charge) amount: the lesser of: a) 5% of the total amount of pre-paid fees that the provider received in respect of the student for the course before the default day; or b) the sum of \$500.	Refund Application Form HEFOR06 Proof of VISA Refusal
Visa refusal prior to course commencement due to providing misleading or fraudulent information to DHA	No refund of tuition or administration charges	Refund Application Form HEFOR06 Proof of VISA Refusal
Visa cancelled due to actions of the student	No refund of tuition or administration charges	Refund Application Form HEFOR06 Proof of VISA Refusal
Visa extension is refused by DHA	Return of unused tuition fees	Refund Application Form HEFOR06 Proof of VISA Refusal
Withdrawal from course or unit by student default categories		
Student withdraws from course or unit at least 10 weeks prior to start date	Full refund not including administration charges incurred and not including the Deposit (non-refundable).	Refund Application Form HEFOR06
Student withdraws from course or unit at least 4 weeks prior to start date	75% refund not including administration charges incurred and not including the Deposit (non-refundable).	Refund Application Form HEFOR06
Student withdraws from course or unit from 2-4 weeks prior to agreed start date	25% refund not including administration charges incurred and not including the Deposit (non-refundable).	Refund Application Form HEFOR06
Student withdraws from course or unit less than 2 weeks prior to agreed start date (student default)	No refund of tuition or administration charges	Refund Application Form HEFOR06
Student withdraws from course or unit after the agreed start date (student default)	No refund of tuition or administration charges	Refund Application Form HEFOR06



Situation	Eligible Refund	Evidence
Abandonment without notice	No refund and the balance of all outstanding fees for the course to be invoiced to the student	N/a
Withdrawn by SCEI-HE (Before the agreed start date)	Full refund including administration/ application fee and including the Deposit.	Refund Application Form HEFOR06 Notice received from SCEI-HE
SCEI-HE is unable to provide the course after course start date (for which the original offer was made)	Return of unused tuition fees. Pre-paid fees may be transferred to an alternative enrolment where the student agrees	Refund Application Form HEFOR06 Notice received from SCEI-HE
The course is not provided fully to the student because SCEI-HE has a sanction imposed by the government regulator	Return of unused tuition fees	Refund Application Form HEFOR06 Notice received from SCEI-HE
Recognition of Prior Learning (RPL) fees	No refund if Statement of Attainment provided	N/a
Compulsory Health Insurance (Student Visa holders only)	Refer to Overseas Student Health Cover provider	Refund Application Form HEFOR06
Homestay fees and accommodation booking fee (if applicable)	Full Refund of unused fees if 2 weeks' notice is given	Refund Application Form HEFOR06
Airport Pick-up (if applicable)	Full Refund if service cancelled prior to flight arrival	Refund Application Form HEFOR06
Transfer to another provider	Return of unused tuition fees	Refund Application Form HEFOR06

RELATED DOCUMENTS

Refund Application Form HEFOR06
Student Complaint and Grievance Policy and Procedure HEPP03

LEGISLATIVE CONTEXT

Education Services for Overseas Students Act 2000
Higher Education Support Act 2003
National Code of Practice for Providers of Education and Training to Overseas Students 2018, Standard 3.4.2

RESPONSIBILITIES

Chief Executive Officer, Compliance Manager and Academic Director: Monitors the implementation and compliance of this policy and procedure.

Student Accounts: Ensures that applications for refunds are assessed according to this procedure.

Student Administration Services: Ensures that applications for refunds are administered according to this procedure.

Students: Provides sufficient valid information and documentation with their application to enable a full, fair, and reasonable assessment of the special circumstances on which the application is based.

DOCUMENT AND RECORD CONTROL

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