

# Refunds and Remissions Procedure

## Section 1 - Purpose and Scope

- (1) This Procedure establishes processes to implement the Refunds and Remissions Policy. It outlines the process for:
- a. remitting HELP loans and/or refunding fees at any time where exceptional or special circumstances are demonstrated to exist, and;
  - b. refunding fees where the student provides advice of withdrawal from a course, unit or variation to enrolment prior to the relevant Census Dates or Critical Dates.

### Scope

- (2) This Procedure applies to:
- a. all Commonwealth Supported Students, Domestic Students, International Students, and Offshore Students who are seeking a refund or Remission; and
  - b. all SCU staff involved in processing refund or Remission applications.

## Section 2 - Definitions

### (3) Census Date

- a. the date prescribed by the University in accordance with the Higher Education Support Act 2003 as the date on which a student's enrolment is taken to be finalised. Students cannot enrol or withdraw from units after Census Date without significant academic and/or financial penalties;

### (4) Course of Study

- a. an enabling course; or
- b. a single course leading to a higher education award; or
- c. a course recognised by the higher education provider at which the course is undertaken as a combined or double course leading to one or more higher education awards;

### (5) Domestic Student

- a. means:
  - i. Australian citizens;
  - ii. New Zealand citizens (including a diplomatic or consular representative of New Zealand, a member of the staff of such a representative or the spouse or dependent relative of such a representative); or
  - iii. holders of an Australian permanent visa who are residing in Australia;

### (6) HECS-HELP

- a. an Australian Government loan program to help eligible Commonwealth supported students to pay their student contribution amounts. Before 2005 this was known as 'HECS';

(7) Homestay

- a. means full or partial board accommodation in a family home. Full-board includes three meals per day but does not include transport, washing or internet/phone access;

(8) FEE-HELP

- a. an Australian Government loan program to help eligible fee paying students pay their tuition fees;

(9) International Student:

- a. ~~an International Onshore Student; or a student who, for the purposes of this Procedure, is a citizen of another country and is studying in Australia on a temporary visa~~
- b. a student studying independently from an offshore location.

(10) International Onshore Student

- a. a student who, for the purposes of this Procedure, is a citizen of another country and is studying in Australia on a temporary visa a s a student.

(11) Offshore Student

- a. a student studying an SCU Course through an collaborating institution, located in a country other than Australia, that has a third party agreement with the SCU.

(12) Non-refundable Course Fees

- a. as defined in individual offer of admission ~~the Fees, Charges and Sanctions Rule~~ .

(13) Principal Course

- a. the main course of study undertaken by an International Student . W here a student visa has been issued for multiple courses of study, t he Principal Course will normally be the final course of study and that which leads to the highest qualification in a package of courses. Where a student visa has been issued for only one course, that course is the Principal Course.

(14) Provider Default

- a. takes its meaning from the Education Services for Overseas Students Act 2000 as follows:
  - i. SCU fails to start to provide the course to the student at the location on the agreed starting day;
  - ii. the course ceases to be provided by SCU to the student at the location at any time after it starts but before it is completed;

(15) Remission

- a. means removal of a student's HECS-HELP debt by the University because the student meets the special circumstances criteria defined in this Procedure;

(16) SA-HELP

- a. is a loan scheme that assists eligible students to pay for all or part of their student services and amenities fee;

(17) Student Default

- a. takes its meaning from the Education Services for Overseas Students Act 2000 as follows:
- i. the course starts at the location on the agreed starting day, but the student does not start the course on that day (and has not previously withdrawn); or
  - ii. the student withdraws from the course at the location (either before or after the agreed starting day); or
  - iii. the registered provider of the course refuses to provide, or continue providing, the course to the student at the location because of one or more of the following events:
    - 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 student visa;
    - misbehaviour by the student;

(18) Study Period

- a. a session so designated; and

(19) Unit of Study

- a. a subject or unit that a person may undertake with SCU that could be undertaken as part of a Course of Study.

## Section 3 - Procedures for Standard Refunds

### Part A - Standard Refunds for Domestic Students

(20) Fees paid by a Domestic Student in respect of a Study Period shall be refunded in accordance with the following arrangements:

- a. 100% refund of tuition fees paid in respect of a unit or course:
- i. which has been cancelled by the University (Provider Default);
  - ii. from which the student has been excluded on academic grounds;
  - iii. from which the student has withdrawn, in accordance with the Rules Relating to Awards Rule 2, Section 6 on or before the Census Date for that Unit of Study;
  - iv. from which a member of the Defence Reserves has withdrawn (before or after Census Date) in order to undertake full-time service ;
- b. no refund is payable where a student withdraws after the Census Date for that unit of study.

(21) For the purposes of clause ( ~~18~~ 20 )a.iv, a student shall provide a statement signed by an authorised officer of the Defence Reserves which details the nature of the service rendered.

(22) The University will refund the unused proportion of fees paid where a student is expelled, suspended, or excluded in accordance with University Rules or Policy due to misbehaviour.

### Part B - Standard Refunds for International Onshore Students

(23) If the Director, Student Administration Services receives from an International Onshore student, written notice of withdrawal from a course, a Refund (if any) will be determined as follows:

- a. International Onshore Students in a packaged course, who do not commence their Principal Course with SCU: The University will retain the Non-Refundable Course Fees and refund to the student any remaining amount.
- b. International Onshore Students in the first six months of their Principal Course, calculated from the first day of their first enrolled Study Period: The University will retain the Non-Refundable Course Fees and refund to the student any remaining amount.
- c. All other International Onshore Students:
  - i. If the withdrawal occurs more than four weeks before teaching starts, then the University will retain the greater of 10% of the fees pre-paid for that Study Period or \$5,000 and refund to the student any remaining amount.
  - ii. if the withdrawal occurs between four weeks before teaching starts and the Census Date for that Study Period, the University will retain the greater of 50% of fees pre-paid for that Study Period or \$5,000, and refund to the student any remaining amount.
  - iii. If the withdrawal occurs after the Census Date, the student will not be eligible for any refund.
- d. ~~Commencing Students-~~
  - i. ~~more than four weeks before the start of the study period all tuition fees paid are refundable less an administrative fee of 10% of the tuition fee applicable to that study period plus a full refund of fees paid in advance in respect of a following study period;-~~
  - ii. ~~for students on a packaged course who do not commence their principal course with SCU, the Non-refundable Course Fees as defined within the offer of admission will not be refunded;-~~
- e. ~~Continuing Students-~~
  - i. ~~before the start of the study period the student shall be entitled to a full refund of tuition fees applicable to the study period and a full refund of fees paid in advance in respect of a following study period;-~~
- f. ~~Commencing and Continuing Students-~~
  - i. ~~on or before the census date of study period, the student shall be entitled to a refund of 50% of the fee applicable to that study period and a full refund of fees paid in advance in respect of a following study period;-~~
  - ii. ~~after the census date of the study period, the student will not be eligible for any refund of the fee applicable to that study period but will be eligible for a full refund of fees paid in advance in respect of a following study period.-~~

(24) If the Director, Student Administration Services receives from an International Onshore student written notice of withdrawal from a unit or units representing less than withdrawal from course:

- a. on or before the last day of the second teaching week of the study period the student shall be entitled to a full refund of the tuition fee applicable to that/those unit/s;
- b. after the last day of the second teaching week up to and including the census date of the study period the student shall be entitled to a refund of 50% of the fee applicable to that/those unit/s;
- c. for whatever reason after the census date of the study period, the student shall not be eligible for a refund of the fee paid for that/those unit/s.

(25) The University will fully refund fees applicable to the Study Period paid by an International Onshore student if an offer of a place is withdrawn or the University is unable to provide the course (Provider default).

(26) If a student is refused a student visa and the refusal was a reason for the student's failure to start the course on, or withdraw from the course on or before, the agreed starting day, the refund will be provided as the lesser of the following amounts:

- a. 5% of the amount of course fees received by the provider in respect of the student before the default day; or

b. \$500.

(27) If the University provides Confirmation of Enrolment, or enrolls a student on the basis of fraudulent, forged or deliberately misleading documentation being supplied by the applicant/student, the enrolment will be withdrawn and the University reserves the right to retain all pre - paid fees.

(28) The University will fully refund fees applicable to the Study Period if an International Onshore student is excluded:

- a. before the start of the Study Period; or
- b. after the start of the Study Period when the student has enrolled pending the outcome of an active appeal related to their exclusion.

(29) In the unlikely event that Southern Cross University is unable to deliver a course in full, an International Onshore student will be provided with the option of placement in a suitable alternative course or refund of their unspent tuition fees.

(30) The University will refund the unused proportion of fees paid where a student is expelled, suspended, or excluded in accordance with University Rules or Policy due to misbehaviour.

(31) In cases of Provider Default refunds are payable within 14 days.

(32) In cases of Student Default refunds are payable within 28 days.

## **Section 4 - Standard Refunds for non-award English Language Program Units or Courses**

(33) To obtain a refund for non-award English Language Program units or courses, students must submit a written request for a standard refund to the Director, Student Administration Services.

(34) In cases of Provider Default refunds are payable with 14 days.

(35) In cases of Student Default refunds are payable within 28 days

### **Critical Dates to Withdraw from a Unit or Course**

(36) Standard refunds for non-award English Language Program units or courses are available in the following circumstances:

- a. if a student cancels their enrolment two weeks or more before the unit or course begins, they will receive a full refund, less:
  - i. the enrolment fee;
  - ii. the Homestay placement fee (where Homestay is provided by SCU); and
  - iii. 10% of the fee in respect of one Study Period.
- b. if a student cancels their enrolment less than two weeks before their unit or course begins, or after their unit or course begins, no refund is payable;
- c. if the SCU College is unable to deliver a unit or course in which a student has enrolled, they will receive a full refund within 14 days (including enrolment fee and Homestay placement fee) ; and
- d. if a student fails to meet the attendance requirements under the Attendance Policy for ELICOS Programs, and has their confirmation of Enrolment withdrawn, no refund is payable.

(37) Where a student requests to be placed in an alternative Homestay during studies, they will be levied with a new placement fee and not be refunded for the remaining period with the original family unless exceptional circumstances are acknowledged by the Director of SCU College or nominee.

(38) If the University makes an offer on the basis of incorrect or incomplete information being supplied by the applicant/student, the offer will be withdrawn and no refund will be payable.

## **Part C - Refunds for International Offshore Students**

(39) International offshore students studying with Southern Cross University through an educational partnership or collaboration should contact their local provider for additional information about refunds.

(40) Refund applications made prior to Census dates will be administered by the respective local education collaboration.

(41) Applications made for refunds after Census date will be assessed on a case by case basis under the provisions contained in Section 6 - of these Procedures.

(42) Students seeking refunds after Census date must complete and submit the SCU Refund Application Form with supporting evidence to the local educational collaboration administration manager.

(43) The local manager will submit the Form, any supporting evidence and advice recommending support for or rejection of the refund application to the International Program administrator at SCU.

(44) SCU will process the application in accordance with these Procedures and advise the applicant and the local educational collaboration administration manager of the outcome on a case by case basis within 28 days.

(45) If a Refund is approved, SCU will make arrangements with the education collaboration for payment of the refund.

## **Part D - Study Abroad Students**

(46) Refunds for Study Abroad Students will be processed according to Part B - , noting the study abroad refund policy of the sending institution may also apply. Study Abroad Students should contact their sending institution for additional information about refunds.

## **Section 5 - Refunds for Services and Amenities Fees**

(47) Where the Director, Student Administration Services receives appropriate notification of withdrawal from or cancellation of enrolment on or before the Census Date for the relevant Study Period, 100% of fees paid will be refunded. Refunds will be processed by the Student Administration Services and credited to the Student Account.

(48) Where withdrawal or cancellation of enrolment occurs after the Census Date of the relevant Study Period, no refund of fees paid or deferred through SA-HELP loan scheme is available.

(49) Where Remission or refund of tuition fees is granted, no refund of fees paid or deferred through SA-HELP loan scheme is available.

## **Section 6 - Remissions or Refunds in Special or**

# Exceptional Circumstances - Domestic and International Students

(50) A student may be granted a refund of fees paid or Remission of debt where he or she:

- a. withdraws from a unit/s after the census date due to exceptional/special circumstances; and
- b. has not completed the requirements of the unit/s.

(51) The Delegated Officer will determine that exceptional/special circumstances apply where the circumstances:

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

(52) The Delegated Officer will be satisfied that a student's circumstances are beyond that student's control if:

- a. a situation occurs which a reasonable person would consider is not due to the person's action or inaction, either direct or indirect, and for which the person is not responsible; and
- b. the situation is unusual, uncommon or abnormal.

(53) The Delegated Officer will be satisfied that a student's circumstances did not make their full impact on the student until on or after the census date for a Unit of Study if the student's circumstances occurred:

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

## Section 7 - Application Process - Refund and/or Remission in Special or Exceptional Circumstances

### Part E - Applications

(54) Students must lodge an Application for Remission or Refund of Fees Due to Special Circumstances via My Enrolment.

(55) Applications which are received more than 12 months after withdrawal from the relevant unit/s or the last day of the Study Period for the relevant unit/s must provide appropriate documentation outlining the reason/s for late application.

(56) Separate documentation must be provided as explanation for making a late application, and this documentation cannot be the same as the documentation submitted for the application for Remission or refund.

(57) Circumstances supporting late applications may include, but are not limited to:

- a. student incarceration;
- b. income threshold reaching repayment level for the first time;

- c. long term illness or extended family crises; or
- d. defence personnel being deployed.

These circumstances must be documented and submitted with the application.

## Application Outcomes

(58) Subject to clause (57), the University will advise the student in writing of the outcome of their application, normally within 6 weeks of receipt of the application. The notice of decision will state:

- a. the reasons for the decision;
- b. the right of review; and
- c. an outline of the review process.

(59) In the case of International Onshore ~~International~~ Students, where a refund is payable under this Procedure due to student default the University will provide advice and pay the student the amount within the time limits prescribed by the Education Services for Overseas Student Act 2000 as amended from time to time, and after receiving a written claim from the student.

## Successful Applications and Refunds

(60) If the request is successful, the University will:

- a. authorise a refund of tuition fees to a maximum of \$10,000. Refunds in excess of \$10,000 will be referred to the Vice Chancellor, Senior Deputy Vice Chancellor for authorisation; and/or
- b. grant a 'withdrawal without failure' from the approved units and adjust the students' Academic Record accordingly; and/or
- c. remit the HECS-HELP or FEE-HELP debt for the unit/s approved in the application and advise the ATO of the reduction in debt for the student; and/or
- d. provide an amended Commonwealth Assistance Notice (CAN) for the relevant Study Period.

(61) Refunds will be paid directly to the student who submitted the application except for those International Students sponsored by a government authority. In these cases the refund will be paid to the authority who originally paid the student's fees and not directly to the claimant.

## Review of Decision

(62) If a student is not satisfied with the outcome of their application they may request a review within 28 days of receipt of notification.

(63) The request for review must be in writing and should:

- a. contain information and/or documentation additional to that included in the original application; and
- b. directly address the reasons provided for the original decision [see clause (56)- Application Outcomes].

(64) Applications for review should be lodged with:

Director, Student Administration Services



Southern Cross University

PO Box 157

LISMORE NSW 2480

(65) Within 4 weeks of receipt of the review request, the Student Administration Services will advise the student in writing of the outcome of their review request. The notification will state:

- a. the reasons for the review outcome;
- b. the right of appeal; and
- c. an outline of the appeal process.

(66) If a student wishes to dispute the reviewed outcome they may apply to the Administrative Appeals Tribunal for a further review.

### **Unsuccessful Applications**

(67) If an application for refund is unsuccessful and a fail grade has been recorded against the unit(s) in which a refund is requested, the student may be eligible to apply for "withdrawal without failure" in accordance with the Rules Relating to Awards Rule 2, Section 6.

### **Appeal**

(68) If the student is not satisfied with the outcome of a review, he or she may apply to the Administrative Appeals Tribunal (AAT) for a review of the Student Administration Services's decision. This application must be lodged within 28 days of receiving notice of the Student Administration Services' decision. Further information is available at <http://www.aat.gov.au>

(69) In the case where an International ~~or Onshore International~~ Student is not satisfied with the outcome of the internal appeal process, he or she may appeal to the Commonwealth or New South Wales Ombudsman.

## **Section 8 - Responsibilities**

(70) The Director, Student Administration Services is responsible for ensuring that applications for remissions and refunds are administered and assessed according to this Procedure.

(71) Students are responsible for providing 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.

## **Section 9 - Guidelines**

(72) Nil

## Status and Details

<b>Status</b>	Historic
<b>Effective Date</b>	4th August 2017
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<b>Approval Authority</b>	Vice Chancellor
<b>Approval Date</b>	17th August 2017
<b>Expiry Date</b>	6th August 2017
<b>Head of Work Unit</b>	Donna Moffitt Director, Student Administration Services +61 2 66203214
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