



CHRISTIAN HERITAGE COLLEGE

POLICY: Refunds for Overseas Students

Policy Group(s):	Group C: Administration – Students (Ref: C1/0807.1-0718) Group D: Business Management – Business Functions
Related Policies:	Cancellation of Enrolment for Overseas Students Enrolment Grievance Policy for Overseas Students Provider Default for Overseas Students
Commencement Date:	August 2007
Review Date:	July 2018
Scheduled Review Date:	July 2023

POLICY STATEMENT

Intent:

Christian Heritage College (CHC) recognises that certain circumstances exist in which it is appropriate for a student to apply for a refund of any monies paid for tuition fees. The *ESOS Act 2000* and the *National Code of Practice for Providers of Education and Training to Overseas Students* (the National Code 2018) requires CHC to clearly define these circumstances.

In such circumstances it is important for students to understand the framework within which such applications can be made and the process for doing so. This policy will assist staff to make those decisions and to respond in a timely manner.

Scope:

Restricted to: Overseas students and persons making application to CHC as overseas students.

Excludes: Domestic students and applicants.

Objectives:

1. To provide a clear understanding of the conditions under which refunds may be granted to applicants or students who are classified as overseas students.
2. To provide clear guidelines for staff in making decisions regarding the refunds of any money paid to CHC by applicants or students who are classified as overseas students.
3. To maintain compliance with relevant legislation.

Policy Provisions:

1. General

- 1.1. Overseas students may be eligible for refunds under the following circumstances:
 - 1.1.1. provider default;
 - 1.1.2. student default; and
 - 1.1.3. cancellation of enrolment for reasons of failing to maintain satisfactory progress.

- 1.2. Refunds are subject to any non-refundable applications fees, non-refundable deposits, cancellation of enrolment fees and withdrawal fees (as applicable) as published on the CHC website.
- 1.3. Applicants will be sent a Written Agreement that includes arrangements that apply to the refunding of course money prior to them paying CHC any course money or entering into any contract with CHC.
- 1.4. These arrangements do not remove students' right to take further action under Australia's consumer protection laws. CHC Policy: *Grievance Policy for Overseas Student* does not circumscribe students' right to pursue other legal remedies.
- 1.5. Overseas students who wish to cancel their enrolment in the course and the agreed starting day has not passed must advise CHC by submitting a *Cancellation of Enrolment – Overseas Student* form.
- 1.6. Overseas students who wish to cancel their enrolment in the course and the agreed starting day has passed must advise CHC by submitting an *Advice of Withdrawal* form.
- 1.7. 'Special circumstances' will be deemed to exist where the relevant conditions as described in Policy Provision 4 are demonstrated to have been met.

2. Provider default

- 2.1. Provider default occurs if:
 - 2.1.1. a course that is offered by CHC does not commence on the agreed starting day for any reason; or
 - 2.1.2. a course that is being offered by CHC ceases to be provided at any time after it starts but before it is completed; or
 - 2.1.3. a course is not provided in full to the student because CHC has had its registration as an institution able to offer courses to overseas student revoked; and
 - 2.1.4. the student has not withdrawn before the default date.
- 2.2. In the case of provider default, CHC will make a refund of any unspent course money. Overseas students are not required to apply for a refund that is payable due to provider default.
- 2.3. Refunds that are paid due to provider default will be made within four weeks of the default date to the overseas student, or a person nominated by the overseas student, and in Australian dollars. CHC accepts Australian currency only as payment.

3. Student default

- 3.1. Student default occurs if:
 - 3.1.1. the course starts on the agreed starting day, but the overseas student does not start the course on that day and has not previously withdrawn; or
 - 3.1.2. the overseas student withdraws from the course either before or after the agreed starting day; or
 - 3.1.3. CHC refuses to provide, or continue to provide, the course to the overseas student because of one or more of the following events:
 - 3.1.3.1. the overseas student failed to pay an amount he or she was liable to pay CHC, directly or indirectly, in order to undertake the course;
 - 3.1.3.2. the overseas student breached a condition of his or her student visa; or
 - 3.1.3.3. the overseas student was found to be guilty of misconduct.
- 3.2. In the case of student default, overseas students must apply for a refund.
- 3.3. Where the overseas student does not start the course on the agreed starting day and has not previously withdrawn, no refunds will be paid.

3.4. Cancellation of enrolment prior to the agreed starting day

3.4.1. Overseas students who cancel their enrolment prior to the agreed starting day for any reason and special circumstances do not apply will receive a refund of any unspent tuition fees, less the non-refundable deposit.

3.4.2. Overseas students who cancel their enrolment prior to the agreed starting day for any reason and special circumstances do apply will receive a refund of any unspent tuition fees, including the non-refundable deposit, less the Cancellation of Enrolment fee.

3.5. Withdrawal prior to the census date

3.5.1. Overseas students who withdraw from their course after the agreed starting day but on or before the census date of their first semester of enrolment for any reason and special circumstances do not apply will receive a refund of any unspent tuition fees, less the non-refundable deposit.

3.5.2. Overseas students who withdraw from their course after the agreed starting day but on or before the census date of their first semester of enrolment for any reason and special circumstances do apply will receive a refund of any unspent tuition fees, including the non-refundable deposit, less the Withdrawal fee.

3.5.3. Overseas students who have completed at least one semester of enrolment in their course and who withdraw from their course on or before the census date of their second semester of enrolment, or of a subsequent semester of enrolment, for any reason will receive a refund of any unspent tuition fees, less the Withdrawal fee.

3.6. Withdrawal after the census date

3.6.1. Overseas students who withdraw from their course after the census date of any semester of enrolment for any reason and special circumstances do not apply will not receive a refund.

3.6.2. Overseas students who withdraw from their course after the census date of their first semester of enrolment for any reason and special circumstances do apply will receive a refund of any unspent tuition fees, including the non-refundable deposit, less the Withdrawal fee.

3.6.3. Overseas students who withdraw from their course after the census date of their second or subsequent semester of enrolment for any reason and special circumstances do apply will receive a refund of any unspent tuition fees, less the Withdrawal fee.

3.7. Where CHC refuses to provide, or to continue to provide, a course to an overseas student under Policy Provision 3.1.3, no refunds will be paid.

3.8. Where CHC cancels an overseas student's enrolment at the end of semester for reasons of failing to maintain satisfactory course progress, CHC will refund any unspent tuition fees that have been pre-paid for subsequent semesters.

4. **Special circumstances**

4.1. Examples of special circumstances are provided in Supporting Procedures and Guidelines 1.

4.2. Where an overseas student cancels their enrolment prior to the agreed starting day, or where an overseas student withdraws from their course after the agreed starting day but on or before the census date of their first semester of enrolment, special circumstances will be deemed to exist where it can be demonstrated that:

4.2.1. the circumstances are beyond the control of the overseas student; and

4.2.2. the circumstances impact upon the overseas students' course progress and/or wellbeing.

- 4.3. Where an overseas student withdraws from their course after the census date of any semester of enrolment, special circumstances will be deemed to exist where it can be demonstrated that:
 - 4.3.1. the circumstances did not exist prior to census date; or
 - 4.3.2. the full impact of the circumstances was not known prior to the census date; and
 - 4.3.3. the circumstances are beyond the control of the overseas student.

5. Applying for a refund

- 5.1. In the case of student default, applications for refunds must be made using the *Application for Refund – Overseas Students* form available on the CHC website.
- 5.2. Applications must provide a full explanation of the reasons for the refund and include documentary evidence (as applicable).
- 5.3. Students will be notified of the outcome of their application within 20 working days of the application being received.

6. Payment of refunds

- 6.1. Refunds that are approved will be paid within 20 working days of the date on which overseas students are notified of the outcome of their application.
- 6.2. Refunds will be paid into the account indicated on *Application for Refund – Overseas Students* form and in Australian dollars. CHC accepts Australian currency only as payment.

Supporting Procedures and Guidelines:

1. Special circumstances

- 1.1. Examples of circumstances include, but are not limited to:
 - 1.1.1. serious illness or injury, where a medical certificate states that a student is unable to attend classes;
 - 1.1.2. bereavement of close family members (where possible, a death certificate is to be provided);
 - 1.1.3. major political upheaval or natural disaster in a student's home country which requires emergency travel;
 - 1.1.4. a traumatic experience, such as involvement in or witnessing of a serious accident, or witnessing or being the victim of a serious crime (to be supported by police or psychologists' reports);
 - 1.1.5. CHC not being able to offer a prerequisite unit; and
 - 1.1.6. a student's inability to begin studying on the agreed starting day due to refusal of, or a delay in receiving, a student visa.

POLICY FURTHER INFORMATION

Relevant Commonwealth/ State Legislation	<i>ESOS Act 2000</i> <i>National Code of Practice for Providers of Education and Training to Overseas Students (the National Code 2018)</i>
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ACCOUNTABILITIES

Implementation:	Academic Registrar; Finance Manager
Compliance:	Academic Registrar; Finance Manager
Monitoring and Evaluation:	Director of Quality and Standards
Development and Review:	Director of Quality and Standards
Approval Authority:	CHC CEO
Approval Body:	CHC CEO
Interpretation and Advice:	Director of Quality and Standards

WHO SHOULD KNOW THIS POLICY?

Overseas students
Academic staff
Student Administration staff
Business Office staff

EFFECTIVENESS OF THIS POLICY

Performance Indicators:	<ul style="list-style-type: none">• The number of formal hearings• The number of appeals
Other:	Nil
Definitions and Acronyms:	<p><i>Agreed starting day</i> The day on which the course is scheduled to start, or a later day agreed between the registered provider and the student for the course.</p> <p><i>CHC</i> Christian Heritage College</p> <p><i>ESOS Act 2000</i> Education Services for Overseas Students Act 2000</p> <p><i>Cancellation</i> The act of an overseas student cancelling their enrolment in a course before the agreed starting day for the course.</p> <p><i>Course money</i> Money a provider receives, directly or indirectly, from:</p> <ul style="list-style-type: none">• an overseas student or intending overseas student; or• another person who pays the money on behalf of an overseas student or intending overseas student <p>for a course that the provider is providing, or offering to provide, to the overseas student, including tuition fees, Overseas Student Health Cover and any other amount that the overseas student had to pay to the provider in order to undertake the course.</p>

Default day

The day on which a default occurs and includes:

- the day the course was agreed to start but does not start;
- the day the course starts but the student does not start and has not withdrawn;
- the day the course ceases to be provided;
- the day the student withdraws from the course either before or on the agreed starting day;
- the day CHC refuses to provide or continue to provide the course to the student.

Withdrawal

The act of an overseas student withdrawing their enrolment in a course having commenced their studies in the course.

APPROVED – section maintained by the Director of Quality and Standards

Reference No.	Approved	Date	Committee/Board	Resolution No. / Minute Ref.
C3/0807.1	Yes	2 August 2007	Committee of Management	4.2

REVISION HISTORY – section maintained by the Director of Quality and Standards

Revision Reference No.	Approved/Rescinded	Date	Committee/Board	Resolution No. / Minute Ref.
0415	Approved	28 April 2015	CHC CEO	N/A
0516	Approved	10 May 2016	CHC CEO	N/A
0218	Approved	16 February 2018	CHC CEO	N/A
0718	Approved	10 July 2018	CHC CEO	N/A