



CHRISTIAN HERITAGE COLLEGE

POLICY: Refunds for Overseas Students

Policy Group(s): Group C: Administration – Students (Ref: C1/0807.1-0415;0218)

Group D: Business Management – Business Functions

Related Policies: Cancellation of Enrolment for Overseas Students

Grievance Policy and Procedure for Overseas Students

Enrolment

Provider Default for Overseas Students

Commencement Date: August 2007

Review Date: May 2021

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:

All Overseas students and applicants who are persons making application to Christian Heritage College as Overseas students.

Restrictions: Nil

Exclusions: Domestic students and applicants

Objectives:

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

Policy Provisions:

1. General

1.1. The following circumstances are those under which refunds will be given to overseas students:

1.1.1. Provider default;

- 1.1.2. Student default;
 - 1.1.3. Suspension of studies by a student prior to the census date;
 - 1.1.4. Suspension of studies by a student after the census date where special circumstances apply (see Policy Provision 6.3); and
 - 1.1.5. Cancellation of enrolment for reasons of failing to maintain satisfactory progress where tuition fees for the subsequent semester are pre-paid.
- 1.2. These agreements do not remove the right to take further action under Australia's consumer protection laws. CHC's *Overseas Student Grievances* policy does not circumscribe students' right to pursue other legal remedies.
- 1.3. Prospective students must have access to the *Refunds for Overseas Students* policy and the *Written Agreement* prior to paying CHC any course money or entering into any contract with CHC. This policy and the terms of the *Written Agreement* are available in the *Christian Heritage College Overseas Student Handbook* and on the CHC website.
- 1.4. Upon arrival in Australia overseas students are given a further copy of the *Refunds for Overseas Students* policy and the Overseas Student Liaison Officer ensures the student understands the agreement. A copy of the signed agreement is placed on the students' file.

2. Provider default

- 2.1. A provider default occurs if:
- 2.1.1. a course does not commence on the agreed starting day for any reason; or
 - 2.1.2. the course ceases to be provided at any time after it starts but before it is completed; or
 - 2.1.3. the 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 a provider default on the part of CHC a full refund of any course money paid to CHC will be made as required by the provisions of the *ESOS Act 2000* and the *ESOS Regulations 2001*.
- 2.3. These refunds will be made within four weeks of the agreed starting day to the person who made the initial payment on behalf of the student and in Australian dollars. Christian Heritage College accepts Australian currency only as payment.

3. Student default

- 3.1. Student default can occur for three reasons:
- 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. misconduct by the overseas student.
- 3.2. In the case of a student default, and where the overseas student formally withdraws from the course, CHC will make a refund of:
- 3.2.1. any unspent course money paid, less any non-refundable application fees and/or applicable cancellation fees, if the overseas student does not start on the agreed starting day because they were refused a student visa; or
 - 3.2.2. any unspent course money paid, less any non-refundable application fees, non-refundable deposits and/or applicable withdrawal fees, if the overseas student withdraws from the course

after starting but on or before the census date. Refunds of non-refundable deposits will be made only in cases where special circumstances apply (see Policy Provision 6.3).

3.3. Refunds will be made within four weeks of the agreed starting day to the person who made the initial payment on behalf of the student and in Australian dollars. Christian Heritage College accepts Australian currency only as payment.

3.4. In the case of a student default CHC will not make any refund of any course money if:

3.4.1. the student does not start the course on the agreed day for any reason other than being refused a visa

3.4.2. 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; or

3.4.3. the overseas student withdrew after the census date, unless special circumstances apply (see Policy Provision 6.3); or

3.4.4. the overseas student breached a condition of their student visa; or

3.4.5. the overseas student engaged in misconduct.

4. Suspension of studies by an overseas student on or before the census date

4.1. Overseas students who are granted a suspension of studies after the agreed starting day and prior to the census date in the semester will receive a full refund of any tuition fees paid, less any non-refundable application fees, non-refundable deposits and/or applicable withdrawal fees. The withdrawal fee is published on the CHC website on 1 October of each preceding year of the semester from which the student intends to withdraw. Refunds of non-refundable deposits will be made only in cases where special circumstances apply (see Policy Provision 6.3).

4.2. Refunds will be made within four weeks of the withdrawal date to the person who made the initial payment on behalf of the student and in Australian dollars (see the *Cancellation of Enrolment for Overseas Students* policy). CHC accepts Australian currency only as payment.

5. Suspension of studies by an overseas student after the census date

5.1. CHC will not refund any money if an overseas student is granted a suspension of studies after the census date in a semester, unless special circumstances apply (see Policy Provision 6.3; see the *Cancellation of Enrolment for Overseas Students* policy).

6. Suspension of studies by an overseas student where special circumstances apply

6.1. If an overseas student's studies are interrupted before the census date and they are granted leave and special circumstances apply, CHC will provide a full refund of any tuition fees and non-refundable deposits paid, less any non-refundable application fees and/or applicable withdrawal fees.

6.2. If an overseas student's studies are interrupted after the census date and they are granted leave and special circumstances apply, CHC will provide a full refund of any tuition fees and non-refundable deposits paid, less any non-refundable application fees and/or applicable withdrawal fees.

6.3. Special circumstances exist where:

6.3.1. the condition or circumstance did not exist prior to census date; and

6.3.2. the condition or circumstance is beyond the control of the student; and

6.3.3. the full impact of the condition or circumstance was not known to the student prior to the census date.

For examples of special circumstances, see Supporting Procedures and Guidelines 2.

6.4. Refunds will be made within four weeks of the date of withdrawal or suspension of studies to the person who made the initial payment on behalf of the student and in Australian dollars. Christian Heritage College accepts Australian currency only as payment (see the *Cancellation of Enrolment for Overseas Students* policy).

7. Cancellation of enrolment for reasons of failing to maintain satisfactory course progress

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

Supporting Procedures and Guidelines:

1. How to Apply for a Refund

- 1.1. You must complete and submit the online form *Application for Refund – Overseas Students* available on the CHC website www.chc.edu.au
- 1.2. Your written application should include the reasons for the refund as noted within the provisions of this policy.

2. Special circumstances

- 2.1. Special circumstances are circumstances that are beyond students' control and which impact upon their course progress and/or wellbeing. Such circumstances could include, but are not limited to:
 - 2.1.1. serious illness or injury, where a medical certificate states that a student is unable to attend classes;
 - 2.1.2. bereavement of close family members (where possible, a death certificate is to be provided);
 - 2.1.3. major political upheaval or natural disaster in a student's home country which requires emergency travel;
 - 2.1.4. 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);
 - 2.1.5. CHC not being able to offer a prerequisite unit; or
 - 2.1.6. a student's inability to begin studying on the course commencement date due to a delay in receiving, or refusal of, a student visa.

POLICY FURTHER INFORMATION

Relevant Commonwealth/State Legislation	ESOS Act 2000
	ESOS Regulations 2001
	National Code 2018
	Education (Overseas Students) Act 1996
	Education (Overseas Students) Regulation 1998

ACCOUNTABILITIES

Implementation:	Academic Registrar
Compliance:	Academic Registrar
Monitoring and Evaluation:	Academic Registrar
Development/Review:	Executive
Approval Authority:	CHC CEO
Approval Body:	CHC CEO
Interpretation and Advice:	Registry Office

WHO SHOULD KNOW THIS POLICY?

Academic Staff

Academic Administration

Deans

Staff Students

EFFECTIVENESS OF THIS POLICY

Performance Indicators:

- The number of formal hearings
- The number of appeals

Other:

Nil

Definitions and Acronyms:

Agreed starting day – the day on which the course was scheduled to start, or a later day agreed between the registered provider for the course and the student.

CHC – Christian Heritage College

ESOS Act 2000 – Education Services for Overseas Students Act 2000

Cancellation – cancelling the course before the agreed starting day.

Course money – money a provider receives, directly or indirectly, from:

- an overseas student or intending overseas student; or
- another person who pays the money on behalf of an overseas student or intending overseas student
- for a course that the provider is providing, or offering to provide, to the overseas student. This includes tuition fees, any amount received by the provider for overseas student health cover, and any other amount that the student had to pay to the provider in order to undertake the course (as defined by Section 7 of the *ESOS Act 2000*).

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 (see 2.3.3 in the *Refunds for Overseas Students* policy).

Withdrawal – defined as a student ceasing enrolment but having commenced 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	02/08/2007	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	28/04/2015	CHC CEO	NA
0516	Approved	10/05/16	CHC CEO	NA
0218	Approved	16/02/2018	CHC CEO	NA