Refund Policy (Higher Education)

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Approved By: Gloria Seow

1. Purpose

This policy defines how Stanley College manages and determines the refund of monies to commencing and continuing domestic and international students for fees or other charges related to higher education study at Stanley College.

2. Scope

This policy applies to domestic and international students enrolled in higher education courses at Stanley College. It applies to the refund of the **unused portion of tuition fees only** which have been paid in advance, and includes money collected by approved education agents on behalf of Stanley College.

3. Key Definitions

Cancellation	The cancellation of any course or unit by Stanley College, or the removal of a student from a course or unit by Stanley College based on breaches to conditions accepted in the Student Agreement (refer to *Letter of Offer* and *Student Agreement*). Cancellation will automatically invoke applicable Stanley College refund policies and procedures.
Census Date	The date by which enrolment and fees must be finalised for the Study Period. • If student withdraws prior to census date, it will have an impact on the fees owing as well as the commission payable to agents. • If student withdraws after Census Date, they are still liable for any financial costs associated with Course/unit. • Any financial credit will be transferred to the next Study Period • Census Date is listed in the Letter of Offer, Student Agreement, College website and in the Admission Information Set.
Deferment	A student-initiated postponement of studies after an offer of admission has been made by Stanley College.
Domestic Student	A student who is an Australian citizen, a New Zealand citizen, the holder of an Australian Permanent Resident visa or the holder of an Australian humanitarian visa. A domestic student can include temporary visa holders, who do not hold a Student Visa issued by DoHA, including 485, 457, student dependents, working holiday and visitor visa holders.

Education Services for Overseas Students (ESOS) Act	The *Education Services for Overseas Students Act 2000* of the Commonwealth of Australia.
International Student	A student studying in Australia on a student visa issued by DoHA. Also referred to as Overseas Students.
Overseas Student Health Cover (OSHC)	It is an Australian Government requirement that all international students studying in Australia on a student visa are covered by Overseas Student Health Cover (OSHC) for the duration of their visa. If students are accompanied by family and children, they must have the compulsory family policy for OSHC.
Public Interest Criterion (PIC) 4020	PIC 4020 is a requirement for granting most visas. Under PIC 4020, a visa might be refused if bogus documents or information that is false or misleading is given to the Department of Home Affairs (DHA) or the Administrative Appeals Tribunal (AAT). Cancellation of the Student Visa under PIC 4020 is considered to be a breach of the Student Agreement and therefore not eligible for any Refund.
Tuition Protection Service (TPS)	The Tuition Protection Service (TPS) is an initiative of the Australian Government to assist International Students whose education providers are unable to fully deliver their Course of Study. In the event that an Education Provider closes, the Tuition Protection Service (TPS) assists students to either continue their studies through another course or different provider, or by being provided a refund or loan re-credit for any education and training they paid for but did not receive.
TPS Director	The TPS Director is appointed by the Minister to oversee the operation of the Tuition Protection Service.
Withdrawal	Cessation of registration in a course or unit, initiated by a student after acceptance of the *Letter of Offer and Student Agreement*

4. Policy Principles

4.1 Principles

This policy aims to:

- Provide a framework for transparent processes for refunds of tuition fees, where applicable;
- Set out the circumstances where full or partial refunds may apply; and
- Ensure Stanley College discharges its responsibilities in relation to all relevant legislation.

All references to applying for a refund in this policy refer to fees identified as refundable and do not include items deemed non-refundable as listed in the *Student Fees Policy*.

This policy, and the availability of complaints and appeals processes, does not remove the right of the student to take further action under Australia's Consumer Protection Laws, nor does it prevent the student from pursuing other legal remedies.

4.2 Domestic Students

4.2.1 Circumstances Where a Refund *will* be Paid

In order to be eligible for refund, the student must be enrolled in an approved higher education course leading to an award and be:

- An Australian Citizen;
- An Australian Permanent or Humanitarian visa holder, or
- A New Zealand (NZ) Special Category visa holder (who arrived in Australia as children and have been long term residents).

A full refund of all applicable Refundable Fees will be paid if:

- Stanley College withdraws the offer of enrolment, or
- The student withdraws from a unit of study ***on*** or ***before*** the Census Date of the semester. (For recipients of FEE-HELP loans, 100% of unit fee will be credited to the following semester or FEE- HELP debt).

Domestic students enrolled in a unit are able to access a refund of their tuition fees under certain circumstances, as outlined in Table 1.

Table 1: Domestic Students: Guidelines for the Refund of Tuition Fees

Reason for Refund/Cancellation	Notification Period	Refund	Cancellation Fee
Domestic Student withdraws from course	On or before census date of semester	Full refund	No charge
	After census date	No refund	100% of semester tuition fee
Domestic Student withdraws from a single unit	On or before census date of semester	100% of unit fee credited to following semester or FEE-HELP debt	No charge
	After census date	No refund or credit	100% of semester tuition fee

In the unlikely event of a Stanley College default (i.e. Stanley College is unable to offer a course), Stanley College will, within 14 days of the default, either:

- Refund the unused portion of the prepaid tuition fees for the units not delivered; or
- Offer the student suitable and alternative higher education provider at Stanley College's expense that is accepted by the student in writing (in this case, NO refund will be given to the student), with refund of fees a secondary option if placement is not possible.

If Stanley College is unable to provide a refund, then the student will be offered a place in a similar course of study via the course assurance arrangement with a *Second Provider*. A student is not obliged to enroll in a course of study with a *Second Provider* under the Course Assurance Option. However, if the student enrolls with any other Institute of Higher Education (IHE), there is no obligation on that provider to offer full credit transfer for the units of study completed with the *First Provider* or to offer replacement unit(s) free of charge.
In the event that the student is not granted credit for all units completed at Stanley and has to enroll in additional units at the *Second Provider* and encounter additional costs, Stanley College will compensate for the difference in costs incurred to the student.

4.2.2 **Circumstances Where a Refund *will not* be Paid**

Table 2 outlines circumstances where refunds do not apply or may apply only under special circumstances (see further below).

Table 2: Domestic Students: Where Refunds Do Not Apply or only Apply under Special Circumstances

Circumstances	Refund	Process
Withdrawal from a unit *after* the Census Date, and Compassionate and Compelling Circumstances do not apply.	No	A student may submit a request for special circumstances if eligible or may lodge an appeal.
Stanley College terminates a student's enrolment due to reasons of unsatisfactory progress, misconduct, lack of attendance or a student has provided fraudulent or misleading information.	No	A student may submit a request for special circumstances if eligible or may lodge an appeal.
Stanley College terminates a student's enrolment due to non-payment of tuition fees or other fees and charges.	No	A student may submit a request for special circumstances if eligible or may lodge an appeal.
Withdrawal from a unit due to Special Circumstances beyond the control of the student. See Guidelines for Special Circumstances (further below).	Possibility	A student may submit a request for special circumstances if eligible or may lodge an appeal.
After submitting a formal complaint in accordance with the Student Grievance and Complaint Policy.	Possibility	Complete and submit a *Student Grievance Form*, together with relevant evidence. Tuition fees may be refunded in full or in part, depending on the outcome of the grievance process.

In special circumstances, students who withdraw from their studies after the census date may apply for remission of FEE-HELP fees charged. Such circumstances are described under Clause 4.20 of this Policy

4.3 **Applying for a refund**

All students should apply for a refund through the Refunds Application Form

4.4 **International Students**

4.4.1 **Circumstances Where a Refund *will* be Paid**

For international students, refunds apply only to the unused portion of tuition fees paid in advance. Administration fees and other charges incurred such as fines are not refundable unless otherwise indicated. This is outlined within the *Student Fees Policy*.

International students enrolled in a unit are able to access a refund of their tuition fees under certain circumstances, as outlined in Table 3.

Table 3: International Students: Guidelines for the Refund of Tuition Fees

Reason for Refund/Cancellation	Notification Period	Refund	Cancellation Fee
Application for visa is unsuccessful	Before Semester/Course Commences	Full refund less cancellation administration fee of $250, application fee and application processing fee	$250 cancellation administration fee, application fee and application processing fee
Application for visa is unsuccessful	After Semester/Course Commences	Full refund less cancellation fee	$250 cancellation administration fee + Pro rata amount of tuition fee used calculated on a weekly basis
Student Default Student with a student visa withdraws from course Or Student's enrolment is cancelled for breach of College's rules or breach of student visa rules	More than 10 weeks before semester/course commences	Full refund less cancellation fee	10% of semester tuition fee
	More than 4 weeks and up to 10 weeks before semester/course commences	70% of semester tuition fee	30% of semester tuition fee
	4 weeks or less before semester/course commences	40% of semester tuition fee	60% of semester tuition fee
	After semester/course commences	No refund	100% of semester tuition fee

Note: A student who has paid fees for more than two semesters in advance and withdraws during a semester and more than four weeks before the commencement of the following semester, would receive no refund of fees for the current semester, at least 70% of the following semester's fees and a full refund of fees paid for any subsequent semester; less cancellation fees.

In the unlikely event that Stanley College is unable to offer a course or unit of study, Stanley College will, within 14 days of the default, either:

- Refund the unused portion of the prepaid tuition fees; or
- Offer the student an alternative place at Stanley College's expense that is accepted by the student in writing (in this case, *no* refund will be paid).

If Stanley College is unable to provide a refund or place the student in an alternative course, then the student will be referred to the Tuition Protection Service (TPS), which will place the student in a suitable alternative course. If a suitable course cannot be found, Stanley College will pay a refund as calculated by the TPS Administrator.

4.4.2 **Circumstances where a Refund *will not* be Paid**

Table 4 below outlines circumstances where refunds do not apply or may apply only under special circumstances.

Table 4: International Students: Where Refunds Do Not Apply or only Apply under Special Circumstances

Circumstances	Refund	Process
Withdrawal from a unit due to Special Circumstances beyond the control of the student. See Guidelines for Special Circumstances in the section in this Policy	Possibility	A student may submit a request for special circumstances if eligible or may lodge an appeal.
Withdrawal from a unit or deferring enrolment in a unit after the commencement of the semester.	No	A student may submit a request for special circumstances if eligible or may lodge an appeal.
Stanley College cancels a student's enrolment due to reasons of unsatisfactory progress, misconduct, lack of attendance or a student has provided fraudulent or misleading information.	No	A student may submit a request for special circumstances if eligible or may lodge an appeal.
Stanley College cancels a student's enrolment due to non-payment of tuition fees or other fees and charges.	No	A student may submit a request for special circumstances if eligible or may lodge an appeal.
After submitting a formal complaint in accordance with the Student Grievance Policy.	Possibility	Complete and submit a Complaint and Appeals Form, together with relevant evidence. Tuition fees may be refunded in full or in part, depending on the outcome of the grievance process.
Student's application for a visa if refused by the Department of Home Affairs for failing to satisfy Public Interest Criterion (PIC) 4020.	No	No appeal will be considered under such circumstances.

4.5 Applying for a refund

All students should apply for a refund through the Refunds Application Form

4.6 Special Circumstances

Special Circumstances may apply to the domestic or international student if Stanley College is satisfied that the circumstances comply with the guidelines. The student must submit a written application for special circumstance through Student Course Variation form (CVAF) or sometimes as a form of a complaint or Appeal through Complaints and Appeal Form. aavailable on Stanley College website.

Refunds under special circumstances are at the discretion of Stanley College and the following guidelines are applied in determining special circumstances.

Special circumstances include:

- Circumstances beyond the student's control, which is reasonably considered as not due to the student's action or inaction, either direct or indirect, and for which the student is not responsible and:
    - Were unusual for the student, and
    - Made it impractical for the student to complete the requirements of the unit(s), and
    - Either did not occur until on or after the Census Date for new domestic students for the unit(s),
    - Or, where the circumstances occurred or existed before the Census Date for new domestic students, worsened or changed such that their full effect was not apparent to the student until after that date.
- Circumstances which make it impractical for a student to complete the requirements of the unit/s and may include (but are not limited to):
    - Medical circumstances that have changed to such an extent that the student is unable to continue studying, or new medical circumstances arose;
    - Family or personal circumstances such as death, significant medical issues, unforeseen financial difficulties, or other circumstances that are unreasonable to expect a person to continue their studies;
    - Employment-related circumstances where the employment status or arrangements have changed so that the student is unable to continue their studies and this change is beyond their control. Employment related circumstances do not apply to students studying on a student visa;
    - Unit-related circumstances where Stanley College has changed the unit offered, and the student is disadvantaged by either not being able to complete the unit, or not being given credit towards other unit(s); or

Extenuating circumstances of reasonable significance that interfere with the student's ability to meet a unit's requirements will be assessed on a case-by-case basis, for example, carer's responsibilities, legal commitments, military service, accidents or natural disasters. Special circumstances do not include:

- Lack of knowledge or understanding of this policy or government legislation;
- Failure to follow correct procedures, or
- Academic ability that was less than expected.

Students should ensure that their supporting documentation complies with Stanley College's requirements and may include any of the following forms of evidence:

- An original document or certified copy by a Justice of the Peace or equivalent;
- An original medical certificate that details the condition, where medical circumstances apply;
- A statutory declaration, where relevant;
- A detailed account of the circumstances or events that is relevant to the application, including specific dates, and demonstrates how it meets the Special Circumstances section of this policy;
- An honest representation of the circumstances, or
- Other documentation requested by Stanley College.

Supporting documents must be in English or be translated and certified as an official translation from an official authority.

5. Roles and Responsibilities

- **Finance Officer:** Responsible for processing cancellation and refund requests, verifying payment records, and ensuring timely and accurate calculation of refunds and cancellation fees according to the policy.
- **Accountant:** Oversees the financial accuracy and integrity of refund transactions, reconciles accounts related to refunds, and supports financial reporting and compliance with regulatory requirements.
- **Chief Financial Officer or Financial Controller:** Provides final approval for refund payments, ensures overall compliance with refund and cancellation policy and regulations, and manages financial risk related to refunds and cancellations.

6. Policy Information

Policy Area	HE
Authorised Officer	Chief Financial Officer
Supporting documents, procedures, work guidelines and forms	Aboriginal and Torres Strait Islander People Education Policy and Procedure Admissions Policy (Higher Education) and Procedure (Higher Education) Application for Admissions Form (Higher Education) – Domestic Students Application for Admissions Form (Higher Education) – International Students Course Admission Information Set Credit and RPL Policy and Procedure Deferral, Withdrawal and Course Extension Policy and Procedure Diversity and Equity Policy and Procedure Letter of Offer and Student Agreement for Higher Education Information Management Policy and Procedure Refund Procedure Student Complaints and Appeals Policy and Procedure Whole-of-Institution Admission Information Set
Audience	Public

7. Link to Standards

7.1 Higher Education Standards Framework (Threshold Standards) 2021

Domain	Section	Standards
1. Student Participation and Attainment	1.1 Student Participation and Attainment	2
2. Learning Environment	2.4 Student Grievances and Complaints	1,2,3,4

7.2 Education Services for Overseas Students Act 2000

Part	Division	Sub-Division	Section	Standard
3. Obligations on registered providers	2. Tuition Fees	N/A	27. tuition fees	1, 2
3. Obligations on registered providers	2. Tuition Fees	N/A	28. Obligation for registered provider to maintain account	1, 2
3. Obligations on registered providers	2. Tuition Fees	N/A	29. Obligations in relation to account money	1- 6

7.3 National Code of Practice 2018

Standard (Number)	Standard (Descriptor)	Standards (Individual)
Standard 2	Recruitment of an overseas student	2.1.7
Standard 3	Formalisation of enrolment and written agreements	3.4