

Student Refund Procedure for Domestic Students in FEE-HELP Enabled Programs

Procedure Category	Management		
Document Owner	Chief Executive Officer		
Responsible Officer	Head of Finance		
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Related Documents	<i>Admission Policy</i> <i>Admissions Procedure</i> <i>Legislative and Regulatory Compliance</i> <i>National Code Compliance</i> <i>Letter of Offer and Written Agreement</i> <i>Student Fees Policy</i> <i>Student Refund Policy</i>		
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1.4	Executive Management Committee	16/03/2023	16/03/2023

This Procedure implements AIBI HE Institute’s (the ‘Institute’) *Student Refund Policy*.

1. Scope

This Procedure applies to all staff at AIBI HE Institute with responsibility for the administration of refunds to domestic students enrolled in FEE-HELP enabled programs, whether they are commencing or continuing students, including those choosing to pay tuition fees upfront.

2. Definitions

Census date: the date on which student enrolment is finalised, after which students are liable for all associated program and tuition fees. Every trimester has a set census date which is available on AIBI HE Institute’s website.

Commencing student: a student who has accepted an offer of a place at AIBI HE Institute who has yet to commence their studies at the Institute.

Compassionate or compelling circumstances: circumstances beyond the control of the student which will have an impact upon the student’s progress or wellbeing.

Continuing student: a student who has completed at least a trimester of study and is eligible to remain enrolled in the program.

Deferral: a delayed commencement by an applicant who has received an offer of a place in an AIBI HE Institute program.

Domestic student: Australian citizens, New Zealand citizens, or holders of an Australian permanent visa (holders of all categories of permanent resident visas including Humanitarian Visas).

FEE-HELP: a government loan scheme to assist eligible domestic students in deferring payment of all or part of their tuition fees.

Higher Education Standards Framework (Threshold Standards) 2017: these standards are the basis for the regulation of higher education providers and courses in Australia by the Tertiary Education Quality and Standards Agency (TEQSA).

Overseas student: a student who is not a domestic student and who may hold a student visa and is protected by the *Education Services for Overseas Students Act 2000* legislative framework.

Leave of absence: an approved period during which a student is not enrolled in any subject.

Provider default: failure of a registered provider to provide or continue to provide a program.

Non-tuition fees: fees charged by AIBI HE Institute that are not for tuition, such as reassessment of study

outcomes, deferral, late payment of fees.

Program: a course of study, comprising units of study, the successful completion of which results in the awarding of a qualification, such as a bachelor's degree.

Tuition fees: fees received by AIBI HE Institute that are directly related to the provision of a program that AIBI HE Institute is providing, or offering to provide, to a student. These fees can be received either directly or indirectly from a commencing student or continuing student or from another person who pays the money on behalf of a commencing student or continuing student.

Unit: a separate subject of study which, in combination with other units, make up a program.

Tuition Protection Services (TPS): an initiative of the Australian Government to assist domestic students at private higher education providers whether they make upfront payments or use a HELP loan to pay for their studies, and overseas students whose education providers are unable to fully deliver their course of study.

Withdrawal: the discontinuation of enrolment in a unit or program by a student.

Withdrawal date: the date specified in the written notice as the date a student's withdrawal takes effect or when the student's enrolment was cancelled.

3. Procedure

There are three ways for a domestic student enrolled in a Fee-HELP enabled program to access a refund of their tuition fees:

3.1 Withdrawing or deferring from unit enrolments on or prior to the relevant census date

A student enrolled in FEE-HELP enabled programs receives a full refund of tuition fees if the student completes and submits an *Application for Withdrawal* or *Application for Leave of Absence* form, and lodge it with Student Services on or prior to the relevant census date.

Students who defer their tuition fees through FEE-HELP on or prior to the relevant census date will have their Fee-HELP balance automatically adjusted.

Students who pay some or all their tuition fees up front and who have already paid for the unit will need to provide the required banking details by completing the relevant form in order to receive a refund of the amount paid.

- Refunds will be repaid to the person who originally paid the fees, including employers or third parties.
- Refunds will be made within 28 days from the date the required bank details have been provided or the date of clearance of the original payment, whichever is the later.

Student Services will record the outcome of the application in the *Student Management System*.

A student enrolled in a FEE-HELP enabled program receives no refund of tuition fees if they complete and submit an *Application for Withdrawal* or *Application for Leave of Absence* form, and lodge it with Student Services after the relevant census date.

3.2 Withdrawing from unit enrolments after the census date with evidence of special circumstances

A student seeking a refund under special circumstances must complete and submit an *Application for Special Circumstances Refund* form, including supporting documentation, to Student Services. The application must be submitted within 12 months of their withdrawal from the unit or, if the student did not withdraw from the program, within 12 months from the end of the trimester during which the units(s) were undertaken.

By filling out this form a student is declaring that **serious illness** or **special circumstances** affected their study *after* the census date. If proven, they will be eligible for a refund of tuition fees paid or a remission of the FEE-HELP debt incurred for the subjects affected by the circumstances.

To access a refund due to special circumstances, a student needs to demonstrate that the circumstances were:

- beyond their control, and
- did not make their full impact until after the relevant census date, and
- such that they made it impracticable to complete the requirements for the unit(s) during the relevant trimester.

The Registrar (or delegate) will review the *Application for Special Circumstances Refund* and determine whether the circumstances meet the criteria for a refund, and whether sufficient documentation has been provided to evidence the circumstances.

Students will be notified in writing of the outcome of their request within 10 working days of receipt of the application.

- If the special circumstances application is *approved*, tuition fees will be refunded or FEE-HELP debt will be re-credited.
 - Refunds of any upfront fees will be repaid to the person who originally paid the fees, including employers or third parties. Refunds will be made within 28 days from the date student was notified of approval in writing or the date of clearance of the original payment, whichever is the later.
 - Re-crediting of a FEE-HELP balance will be processed within 28 days, but may take up to 12 months or longer to show on a FEE-HELP statement as it will be processed by the Department of Education and then the Australian Taxation Office.
 - If the *Application for Special Circumstances Refund* is *rejected* then the student will have an option to appeal the decision within 28 days of receiving the notification, under the Student Complaints and Grievance Policy.
- Student Services will record the outcome of the application in the Student Management System.
- The Head of Finance (or delegate) will follow up unclaimed refunds within 28 days.

Supporting documentation regarding serious illness must:

- take the form of an original letter or report on letterhead; and
- be from a registered treating medical practitioner, registered health practitioner or approved specialist (depending on the nature of the condition); and
- specify that the illness is serious; and
- specify the date that the illness took effect.

Supporting documentation regarding compassionate circumstances must:

- take the form of an original letter or report on letterhead;
- be from:
 - a counsellor recommended by Student Services who has prior knowledge of the circumstances; or
 - a registered treating medical practitioner, registered health practitioner or approved specialist (depending on the nature of the condition); or
 - a person qualified to assess and support the application (e.g. clergy providing grief counselling); or
 - a funeral director (or death notice).

Supporting documentation will not be accepted from relatives or personal friends, or friends of the student's family.

3.3 Refunds following a complaint under the *Student Complaints and Appeals Policy*

Occasionally a student's tuition fees will be refunded in part or in total as the resolution of a formal complaint under the *Student Complaints and Appeals Policy*. Students must complete a *Formal Complaint* form and provide relevant supporting documentation. Policies and forms are available from the Institute website.

- If a student is awarded a refund as part of the resolution of a complaint or appeal:
 - Refunds of any upfront fees will be paid to the person who originally paid the fees, including employers or third parties. Refunds will be made within 28 days from the date of the finding in their favour
 - Re-crediting of a FEE-HELP balance will be processed at AIBI Institute within 28 days but may take up to 12 months or longer to show on a FEE-HELP statement as it will be processed by the Department of Education and then the Australian Taxation Office.
- Student Services will record the outcome of the application in the Student Management System.

3.4 Refunds for all other circumstances

A student will not receive a refund if they do not meet the conditions outlined in 3.1, 3.2, and 3.3 of this Procedure.

4. Review of Fee-HELP Decision (Appeal)

Students who are dissatisfied with a decision about a refund of fees may seek a review under the Student Complaints and Appeals Policy, which can be accessed from the AIBI HE Institute's website. The availability of the internal complaints and appeal processes does not remove the right of the student to take action under Australia's consumer protection laws.

If a student is dissatisfied with the outcome of a Formal Complaint, the student can request a review of the outcome. The request must be in writing, and will be reviewed by the Chief Executive Officer (CEO). For details regarding lodging an internal appeal, assessing an internal appeal, and responding to an internal appeal, refer to the *Student Complaints and Appeals Procedure* section 3. The outcome of the review will include advice to the student they have the right to appeal to the decision with the Administrative Appeals Tribunal (AAT).

5. Breaches

If a student or staff member is found to be in breach of this Procedure, she or he may be subject to disciplinary action in accordance with the relevant *Code of Conduct* and *Misconduct Procedure*, which can be accessed from the AIBI HE Institute's website.

6. References

Higher Education Standards Framework (Threshold Standards) 2017 – Part A, Standards 1.1, 6.2, 7.2

Higher Education Support Act 2003

7. Acknowledgements

In developing this Procedure, AIBI HE Institute acknowledges:

- Think: Colleges' *Student Refund Procedure*.

Document History:

Version	Date	Author	Reason	Sections
0.1	11/11/2019	Stephen Andrews	First draft developed in response to FEE-HELP Guidelines.	All
1.0	12/11/2019	Stephen Andrews	Approved by EMC.	All
1.1	06/01/2020	Philippa Ryan	Amended to reflect new trading name 'Waratah Institute'.	All
1.2	04/10/2022	Chaido Kiourkou	Amended to meet regulatory requirements	All
1.3	10/03/2023	Chaido Kiourkou	Amended to meet regulatory requirements in response to fee-help feedback.	2, 3
1.4	16/03/2023	Chaido Kiourkou	Amended to meet regulatory requirements in response to fee-help feedback.	3.1