PR_MGT_007 Refunds for International students

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<th>Head Policy</th>
<th>International Student Fees Policy</th>
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<td>Policy Category</td>
<td>Management</td>
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<tr>
<td>Document Owner</td>
<td>Director of Student Administration and Operations</td>
</tr>
<tr>
<td>Responsible Officer</td>
<td>Head of Student Financial Services</td>
</tr>
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<td>Authorised by</td>
<td>Head of Student Financial Services</td>
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<td>Enrolment Policy</td>
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<td>Application for Extemating Circumstances Refund Form</td>
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<td>Application for Refund Form</td>
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| Approval Date | 11 November 2019 |
| Effective Date | 11 November 2019 |
| Version | 5.0 |

Scope

These procedures apply to
- International students enrolled in any Torrens University Australia award course.

These procedures do not apply to
- Domestic students enrolled in a FEE-HELP or VET FEE-HELP/VET Student Loan (VSL) enabled course, including those choosing to pay their tuition fees upfront
- Domestic students enrolled in a fee-paying course that is not FEE-HELP or VET FEE-HELP/VSL enabled (Certificate III or Certificate IV).

Processes for accessing a refund

There are five ways for an international student to access a refund of their tuition fees:

<table>
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<th>Avenue for refund</th>
<th>Automatic refund/re-credit?</th>
<th>Relevant process</th>
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<tbody>
<tr>
<td>1. By withdrawing from the course or lodging a leave of absence application at least 14 calendar days before the study period start date</td>
<td>Yes</td>
<td>Students choosing to withdraw at least 14 calendar days before the study period starts and who have already paid for the subject will need to complete both an Application for Withdrawal or Application for Leave of Absence form and an Application for Refund form. If a student does not complete the Application for Refund, the refund will be held on their account as credit towards a future enrolment. Note: Taking a leave of absence or withdrawing may have an impact on international students’ visa.</td>
</tr>
<tr>
<td>2. By withdrawing from the course or lodging a leave of absence application less than 14 calendar days prior to commencement of a course due to</td>
<td>No</td>
<td>Students affected by serious illness or extenuating circumstances that affected their study less than 14 calendar days prior to start date of the relevant study period may be eligible for a refund. Criteria are specified in the International Student Fees Policy, and students must complete and submit the following: • an Application for Withdrawal, and • an Application for Refund due to Extenuating Circumstances form and provide relevant documentary evidence.</td>
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</tbody>
</table>
3. By withdrawing from subjects after the relevant deadlines due to exceptional circumstances

Students affected by serious illness or extenuating circumstances that affected their study less than 14 calendar days prior to start date of the relevant study period may be eligible for a refund. Criteria are specified in the Student Fees Policy, and students must complete and submit the following:
- an Application for Withdrawal, and
- an Application for Refund due to Extenuating Circumstances form and provide relevant documentary evidence.

4. By lodging a formal complaint under the Student Complaints 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 Policy. Students must complete a Formal Complaint form and provide relevant documentary evidence.

Note: Taking leave of absence or withdrawing may have an impact on an international student’s visa.

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

If a refund application is approved, tuition fees will be refunded according to the International Student Fees Policy. Students transferring to another course offered by the University or partner institution may have their tuition fees applied directly to the new course if written authorisation signed by the student has been received. All other refund payments will be issued to the person or organisation that initially paid the tuition fees. Any tuition fees received from Education Agents will be returned directly to the student.

Refunds will be made within 20 working days from the date of approval or the date of clearance of the original payment, whichever is later. However, in cases of unsuccessful visa application or provider default the student will be refunded in 20 working days. Refunds will be made in Australian dollars and usually by the original payment method.

If the refund application is rejected then the student will have an option to appeal the decision within 20 working days after receiving the notification. Refer to the Student Complaint Policy for details.

Student Services records the outcome of the application in the Student Records Management System.

**Withdrawing from subjects after the relevant deadlines with evidence of extenuating circumstances**

A student seeking a refund due to extenuating circumstances must complete and submit an Application for Refund due to Extenuating Circumstances form, including supporting documents, to Student Services. By filling out this form a student is declaring that serious illness or extenuating circumstances affected their study less than 14 calendar days prior to commencement of the relevant study period. If proven, they will be eligible for a refund of tuition fees paid for the subjects affected by the circumstances.
To access a refund, a student needs to demonstrate that the circumstances:
- occurred 14 calendar days or less prior to the commencement of the relevant study period, or
- occur more than 14 calendar days prior to the commencement of the relevant study period but worsen after that day, or
- occurred more than 14 calendar days prior to the commencement of the relevant study period but the full effect or magnitude does not become apparent until on or after that day, and
- make it impracticable for the student to complete the requirements of the subjects.

The Head of Student Financial Services (or delegate) will review the application and determine whether or not 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 days of receipt of the application.
- If the extenuating circumstances application is approved, tuition fees will be refunded.
  - 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 20 working days from the date of approval or the date of clearance of the original payment, whichever is later. The student may also opt to have the money credited towards future study.
  - If the extenuating circumstances application is rejected then the student will have an option to appeal the decision within 20 working days of receiving the notification in line with the Student Complaints Policy. Refer to the Internal Review (Appeal) Procedure for steps in lodging an appeal.
- Student Services will record the outcome of the application in the Student Records Management System.
- The Financial Controller (or delegate) will follow up unclaimed refunds within four weeks.

What is a serious illness?
A serious illness is an unexpected illness of a serious nature, a recurrence of a chronic illness or an accident with a serious impact on a student’s health. Illnesses, disabilities or medical conditions that existed prior to the census date will not qualify as grounds for a refund unless the condition or disability has been compounded by an unexpected change, or an additional condition

What supporting documentation is needed for a serious illness?
Supporting documentation must be an original letter or report on letterhead that
- is from a registered treating medical practitioner, registered health practitioner or approved specialist (depending on the nature of the condition); and
- specifies that the illness is serious; and
- specifies the date that the illness took effect.

What are extenuating circumstances?
Extenuating circumstances include compassionate circumstances such as hardship or trauma including the death or serious illness of a close family member, severe disruption to domestic arrangements, being a victim of crime or an accident.

What supporting documentation is needed for extenuating circumstances?
Supporting documentation must be an original letter or report on letterhead that is from:
- a University counsellor who has prior knowledge of the student’s 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 a student’s relatives or personal friends, or friends of the family.

**What does not qualify as extenuating circumstances?**
Extenuating circumstances such as religious observance or obligations, formal legal commitments, military service, service with a recognised emergency management service, representing your state or home nation at a significant sporting or cultural event or unforeseen and significant employment-related circumstances such as a move interstate at short notice will usually be managed through assessment modification rather than as extenuating circumstances application for refund.

**What does not qualify as a serious illness?**
Pregnancy will not qualify as a serious illness unless accompanied by confirmation from a registered treating medical practitioner that indicates that additional pregnancy-related or unrelated conditions were present that were considered serious in nature.

**Refunds following a complaint under the Student Complaints 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 Policy. Students must complete a Formal Complaint form and provide relevant documentary evidence.

• If a student is awarded a refund as part of the resolution of a complaint or appeal:
  o 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 20 working days from the date of the finding in their favour
• Student Services will record the outcome of the application in the Student Records Management System.

**Refund table**
Refer to the [International Student Fees Policy](#) for further details.

<table>
<thead>
<tr>
<th>REFUND TABLE</th>
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<tbody>
<tr>
<td>Unsuccessful visa application</td>
</tr>
<tr>
<td>Deferral of the offer of admission 14 calendar days prior to commencement of the course</td>
</tr>
<tr>
<td>Amendment to enrolment 14 calendar days prior to commencement of the study period</td>
</tr>
<tr>
<td>Withdrawal from a course or lodgement of a leave of absence application form for the coming study period’s enrolment no less than 14 calendar days prior to the start of the study period</td>
</tr>
<tr>
<td>Withdrawal due to failure to meet the conditions of an offer of admission</td>
</tr>
<tr>
<td>Withdrawal due to failure to meet the required results to proceed on a packaged offer pathway within 14 days of receiving notification of failing to meet the condition</td>
</tr>
</tbody>
</table>
REFUND TABLE

<table>
<thead>
<tr>
<th>International student submits an Application for Withdrawal and Application for Refund due to Extenuating Circumstances form less than 14 calendar days prior to the start date of the study period.</th>
<th>A refund may be granted if the student meets the published Extenuating Circumstances criteria (International Student Fees Policy)</th>
</tr>
</thead>
<tbody>
<tr>
<td>All other circumstances</td>
<td>No refund</td>
</tr>
</tbody>
</table>

**Refunds due to student default**

- The Torrens University Australia written agreement/ acceptance of offer will include refund requirements in the case of student default.
- The University will notify the Department of Education Secretary and TPS Director of student default within five working days of the default occurring.

If the University does not have a compliant written agreement, or if a student’s visa is refused (except in circumstances described under 47D(5) of the ESOS ACT 2000), refunds are calculated as per 47E (4) of the ESOS ACT 2000, Education Services for Overseas Students (Calculation of Refund) Specification 2014.

**Calculating Refunds**

Refunds of tuition fees will be calculated under the relevant ESOS Act provision - Refer to the Education Services for Overseas Students (Calculation of Refund) Specification 2014. Students will be entitled to a refund in the following circumstances:

- Provider default
- Compliant student default agreement is not entered into
- Student fails to start a course due to visa refusal
- Other student defaults

The amount of refund depending on the above circumstances will be calculated as follows:

- method for working out amount of refund of tuition fees in event of provider default
  - refer to section 46D(6) of the ESOS Act
  - refund amount = weekly tuition fee × weeks in default period

\[
\text{Weekly Tuition Fee} = \left( \frac{\text{Total tuition fees for the course}}{\text{Number of calendar days in the course}} \right) \times 7
\]

\[
\text{Weeks in default period} = \frac{\text{Number of calendar days from the default day to the end of the period to which the payment relates}}{7}
\]

- method for working out amount of refund if the University does not enter into compliant student default agreement
  - refer to section 47E(2) of the ESOS Act
  - refund amount = weekly tuition fee × weeks in default period
method for working out amount of refund in event student fails to start a course due to visa refusal
  o refer to section 47E(2) of the ESOS Act
  o student default in case of visa refusal (before student commences course
    ▪ the amount of a refund is the amount of the course fees, minus the lesser of the following amounts
      • 5% of the amount of course fees received by the University in respect of the student before the default day, or
      • $500.
  • method for working out amount of refund in event of other student default

NOTE: This section would apply where a student whose visa has been refused has withdrawn from the course after it commenced, or has failed to pay an amount he or she was liable to pay the University in order to undertake the course.
  o refer to section 47E(2) of the ESOS Act

Internal Review (Appeal)

Students who wish to request appeal a decision on their formal complaint relating to a refund requested or Extenuating Circumstances may do so under the Student Complaints Policy. The following documents provide information on the process for lodging an internal review request:

- Internal Review (Appeals) Procedure
- External Review Procedure