

Tuition Fee Refund Policy for International Students

Policy

The following policy and procedures apply in regards to tuition fee refunds for international students in accordance with the *Education Services for Overseas Students Act 2000*, Education Services for Overseas Student Regulations 2001 and the National Code 2007.

Scope

This policy applies to new and continuing international students enrolled (or who intend to enrol) in a higher education course of study at Macleay College regardless of who paid the tuition fees; and college staff who assess and process fee refund requests.

Related Policies

These procedures form part of the **International Student Letter of Offer** (and associated International Student Acceptance) and should be read in conjunction with the following college policies:

- Deferral, Suspension or Cancellation of Enrolment Policy
- Admissions Policy for International Students
- Tuition Assurance Statement
- Misconduct Policy
- Grievance & Appeals Policy

All college policies and any associated forms referenced in this document can be downloaded from the college website and myHandbook section of the myMacleay Student Portal (Moodle) via <http://mymacleay.edu.au/>.

Definition of Key Terms

"Census Date" means the dates set for trimester as the last date that a student can withdraw from a course of study and/or unit of study without incurring financial penalty ie. Cut-Off Date

"Commencement Date" means the date set for that teaching period (trimester) to start

"Course of Study" means a higher education award delivered by Macleay College as per the CRICOS website managed by the Department of Education under the ESOS Framework

"CRICOS" means the Commonwealth Register of Institutions and Courses for Overseas Students

"International Fees" means a student pays their tuition fees upfront (ie. in advance) for units of study directly to Macleay College with no contribution from the Commonwealth Government

"International Student" means a student who is holding an Australian student visa and is enrolled in a CRICOS registered course of study at Macleay College

"Special Circumstances" means circumstances which are an exception to the rule and beyond a student's control

"Trimester" means each twelve-week teaching period

"Tuition Fees" means the agreed amount of money charged to, and paid by, a student to undertake units of study as part of a course of study at Macleay College

"Unit of Study" means a single component or subject that a student undertakes as part of a course of study that leads to a higher education award at Macleay College

A. Policy

Each student acknowledges and agrees to the terms of the **Tuition Fee Refund Policy for International Students** when signing the *International Student Acceptance* document contained in their offer to study at Macleay College.

Refund Eligibility

The following section outlines the grounds for a refund of international tuition fees. However Macleay College may, in its absolute discretion, grant a partial or full refund where they determine there are extenuating or compassionate circumstances.

1. Withdrawal of an Offer before the Commencement Date

a) College Default Event

Entitlement: Full Refund

In the event, Macleay College withdraws an offer of a place in a course of study before the agreed Commencement Date of that course of study, the student is entitled to a refund of any tuition fees paid in advance. No administration fee is charged in the event of this College Default.

b) Fraudulent, Forged or Misleading Information and/or Documentation Provided by the Student

Entitlement: Full Refund (less Administration Fee & Any Agent Fees)

In the event, Macleay College withdraws an offer of a place in a course of study as a result of fraudulent, forged or intentionally misleading or incomplete information and/or documentation being supplied by the student, and it is not considered to be as a result of a College Default, the student is entitled to a refund of any tuition fees paid in advance, less an Administration Fee of 10% of the tuition fee payment and any payment to an agent who recruited the student (if applicable).

c) Unsuccessful Visa Application

Entitlement: Full Refund (less Administration Fee & Any Agent Fees)

Where a student's application for a visa is unsuccessful, and on the provision of evidence of this decision, the student is entitled to a refund of any tuition fees paid in advance, less an Administration Fee of 5% of the tuition fee payment and any payment to an agent who recruited the student (if applicable).

2. Withdrawal of Enrolment before the Commencement Date

a) Withdrawal by Student before the Commencement Date

Entitlement: Full Refund (less Administration Fee & Any Agent Fees)

Where a student withdraws from a course of study before the Commencement Date, the student is entitled to a refund of any tuition fees paid in advance, less an Administration Fee of 10% of the tuition fee payment and any payment to an agent who recruited the student (if applicable).

Students wanting to withdraw from their course of study before the Commencement Date should lodge an *Application to Withdraw or Cancel Enrolment Form* with the Officer of the Registrar. For more information on how to withdraw (or cancel enrolment), please refer to the **Deferral, Suspension or Cancellation of Enrolment Policy** which can be downloaded from the college website and myHandbook section of the myMacleay Student Portal (Moodle) via <http://mymacleay.edu.au/>.

3. Withdrawal of Enrolment on/before Census Date

a) Withdrawal by Student on/before Census Date

Entitlement: Partial Refund (less Any Agent Fees)

To be eligible for a refund of tuition fees after the Commencement Date, a student must withdraw (voluntarily cancel their enrolment) on or before the relevant cut-off date (Census Date). Where a student withdraws from a course of study on or before the relevant Census Date, the student is entitled to a partial refund of 50% of the tuition fees paid in advance for that trimester, less any payment to an agent who recruited the student (if applicable).

Students wanting to withdraw from their course of study on or before the Census Date should lodge an *Application to Withdraw or Cancel Enrolment Form* with the Officer of the Registrar.

For more information on how to withdraw (or cancel enrolment), please refer to the ***Deferral, Suspension or Cancellation of Enrolment Policy***.

b) Suspension or Cancellation of Enrolment due to Misconduct

Entitlement: No Refund

Where a student's enrolment is suspended or cancelled by Macleay College as a result of misconduct in accordance with the ***Misconduct Policy***, including the non-payment of tuition fees, the student is not entitled to a refund including any tuition fees paid in advance at the time of suspension or cancellation.

For more information on the suspension or cancellation of enrolment as a result of misconduct, please refer to the ***Deferral, Suspension or Cancellation of Enrolment Policy*** and ***Misconduct Policy***.

4. Withdrawal of Enrolment after Census Date

a) Withdrawal by Student after Census Date

Entitlement: No Refund

Where a student withdraws from a course of study after the relevant Census Date, and there are no special circumstances, the student is not entitled to a refund of tuition fees.

Students wanting to withdraw from their course of study after Census Date should lodge an *Application to Withdraw or Cancel Enrolment Form* with the Officer of the Registrar providing information and supporting evidence in relation to the special circumstances.

For more information on how to withdraw (or cancel enrolment), please refer to the ***Deferral, Suspension or Cancellation of Enrolment Policy***.

4. Withdrawal of Enrolment after Census Date (contd)

b) Withdrawal by Student after Census Date (Due to Special Circumstances)

Entitlement: Partial Refund (less Administration Fee & Any Agent Fees) at College Discretion

Where a student withdraws from a course of study after the relevant Census Date as a result of special circumstances, the student may be entitled to a partial refund of 50% of tuition fees, less an Administration Fee of \$500 and any payment to an agent who recruited the student (if applicable).

Special circumstances must:

- a) Be beyond a person's control; and
- b) Not make their full impact known until after the Census Date; and
- c) Make it impracticable for a student to complete the requirements for the unit of study.

For circumstances to be considered beyond a person's control, the situation should be one which a reasonable person would consider is not due to the person's action or inaction, either direct or indirect, and for which the person is not responsible. The situation must be unusual, uncommon or abnormal to be considered special circumstances. Macleay College must be satisfied that a person's circumstances did not make their full impact on the person until after the Census Date for a unit of study if the person's circumstances occur:

- a) Before the Census Date but worsen after that day; or
- b) Before the Census Date, but the effect of magnitude does not become apparent until after that day; or
- c) After the Census Date

Students who want to withdraw from their course of study after Census Date due to special circumstances should lodge an *Application to Withdraw or Cancel Enrolment Form* with the Officer of the Registrar providing information and supporting evidence in relation to the special circumstances. For more information on how to withdraw (or cancel enrolment) and how an application for consideration of special circumstances will be assessed, please refer to the ***Deferral, Suspension or Cancellation of Enrolment Policy***.

c) Suspension or Cancellation of Enrolment due to Misconduct

Entitlement: No Refund

Where a student's enrolment is suspended or cancelled by Macleay College as a result of misconduct in accordance with the ***Misconduct Policy***, including the non-payment of tuition fees, the student is not entitled to a refund including any tuition fees paid in advance at the time of suspension or cancellation. For more information on the suspension or cancellation of enrolment as a result of misconduct, please refer to the ***Deferral, Suspension or Cancellation of Enrolment Policy*** and ***Misconduct Policy***.

d) Cancellation of Enrolment due to Unsatisfactory Course Progression

Entitlement: Partial Refund

Where a student's enrolment is cancelled by Macleay College as a result of unsatisfactory course progression in accordance with the ***Monitoring Academic Progression Policy***, the student is entitled to a refund of tuition fees paid in advance at the time of cancellation for parts of the course not yet delivered. Previous trimester fees will not be refunded.

For more information on the cancellation of enrolment as a result of unsatisfactory course progression, please refer to the ***Deferral, Suspension or Cancellation of Enrolment Policy*** and ***Monitoring Academic Progression Policy***.

5. Changes to Enrolment

a) Granting of Advanced Standing

Entitlement: No Refund, Credit Applied

Where a student applies for course credit and is granted Advanced Standing after the payment of tuition fees, the student is not entitled to refund of tuition fees for those units, including any paid in advance. However, the amount will be held by Macleay College and credited towards the next trimester fees.

b) Transfer to Another Course of Study at Macleay College

Entitlement: No Refund, Credit Applied

Where a student applies for and is approved to transfer to another course of study at Macleay College after the payment of tuition fees, where the new course fee is lower than the original course, the student is not entitled to refund of the difference in tuition fees, including any paid in advance. However, the amount will be held by Macleay College and credited towards the next trimester fees.

6. Changes to Visa Conditions

a) Obtains Permanent Residency (Humanitarian Subclass) before/on Census Date

Entitlement: Partial Refund (less Any Agent Fees)

Where a student is granted Permanent Residency (Humanitarian Subclass), and the date stamped in the student's passport is before Census Date, the student can be classified as a domestic student and will be entitled to a partial refund being the difference between the international student fee and the domestic student fee for the enrolled course of study, less any payment to an agent who recruited the student if that payment relates to that trimester (if applicable).

b) Obtains Permanent Residency (Humanitarian Subclass) after Census Date

Entitlement: No Refund, No Change to Fees

Where a student is granted Permanent Residency (Humanitarian Subclass) after the Census Date, the student will be classified as an international student for the remainder of the relevant trimester and is liable for the relevant international student fee for that trimester. From the following trimester, the student will be classified as a domestic student.

c) Cancellation of Visa

Entitlement: No Refund

Where a student has their visa cancelled during a trimester, the student is not entitled to a refund.

7. Special Circumstances after Census Date

Macleay College will only consider applications for tuition fee refunds after the relevant Census Date where there are special circumstances which make it impracticable for the person to complete the requirements for the unit of study such as:

- Medical circumstances
- Family circumstances
- Personal circumstances
- Political or civil related circumstances
- Course-related circumstances

Special circumstances must:

- a) Be beyond a person's control; and
- b) Not make their full impact known until after the Census Date for the unit of study in question; and
- c) Make it impracticable for a student to complete the requirements for the unit of study.

For circumstances to be considered beyond a person's control, the situation should be that which a reasonable person would consider is not due to the person's action or inaction, either direct or indirect, and for which the person is not responsible. The situation must be unusual, uncommon or abnormal to be considered special circumstances. Macleay College must be satisfied that a person's circumstances did not make their full impact on the person until after the Census Date for a unit of study if the person's circumstances occur:

- a) Before the Census Date but worsen after that day; or
- b) Before the Census Date, but the full effect of magnitude does not become apparent until after that day; or
- c) After the Census Date

8. College Default

In the unlikely event that Macleay College is unable to provide the student's course in full in the circumstances set out in section 27(1) of the ESOS Act 2000, a student is eligible for a refund of tuition fees where, as the result of an event or action (College Default), Macleay College ceases to provide a course of study in which a student is enrolled, including:

- Does not commence on the agreed Commencement Date
- Ceases to be provided at any time after it starts but before it is completed
- Is not provided in full due to sanctions placed on the College

The college will refund all the unused portion of prepaid tuition fees within ten days of the date of the College Default and provide the student with a written statement outlining how the refund amount has been calculated. Macleay College will notify the Secretary (or delegate) and TPS Director within three working days of the provider default and the outcomes of a provider default within seven calendar days

or

The student may be offered enrolment in an alternative course by Macleay College at no extra cost. The student has the right to choose whether they prefer a refund of the unused portion of prepaid tuition fees, or to accept a place in another course. If the student chooses placement in an alternative course with Macleay College, the student will be issued with a new International Student Letter of Offer. The student must accept the offer by returning a signed copy of the International Student Acceptance section of the offer in accordance with the college Admissions Policy for International Students.

If the college is unable to provide a refund or place the student in an alternative course, the Tuition Protection Services (TPS) administered by the Director of TPS will place the student in a suitable alternative course at no extra cost to the student. Finally, if TPS cannot place the student in a suitable alternative course, the student will be eligible for a refund as calculated by the TPS Fund Manager.

B. Procedure

1. Applying for a Refund of Fees on/before Commencement Date or Census Date

1.1 Submit an application to the Office of the Registrar

Responsible: Applicant

To be eligible for a tuition fee refund, a student must withdraw (cancel their enrolment) in a course of study on or before the Commencement Date or relevant Census Date by lodging the appropriate form with the Office of the Registrar in accordance with the **Deferral, Suspension & Cancellation of Enrolment Policy**.

A fee refund is not an automatic result of withdrawing or cancelling enrolment. Applicants seeking a fee refund should also lodge an 'Application for Fee Refund' with the Office of the Registrar advising the reasons for the request. An 'Application for Fee Refund' form can be downloaded from the college website and myHandbook section of the myMacleay Student Portal (Moodle) via <http://mymacleay.edu.au/>.

All applications are required to be completed, signed and accompanied by appropriate documentary evidence in support of the application as outlined in this policy. The completed application form and attachments should be submitted to the Office of the Registrar.

Macleay College will only accept Completed Applications for assessment. Incomplete forms will be returned to the applicant.

1.2 Review and consideration of the Application

a) Confirm application for completeness

Responsible: Macleay (Office of the Registrar)

The 'Application for Fee Refund' form as submitted is checked for completeness by the Office of the Registrar. All sections of the application are required to be completed and the application signed (Completed Application). It is the responsibility of the student to attach any relevant supporting documentation in relation to the course of study for which a refund is being sought.

All attachments should be copies of originals certified by a Justice of the Peace. However if this is not possible, the original documentation can be presented with the application and the Office of the Registrar will make copies of the documentation and witness them as being true copies of the originals presented. The original documentation is then returned to the applicant.

Macleay College only accepts Completed Applications for assessment. The Office of the Registrar signs the *Lodgement Receipt* of a Completed Application and returns the front instruction sheet to the applicant as proof of submission (Submission Date). It is recommended that the student make a copy of their application for their records before submitting to the Office of the Registrar. Macleay College is not responsible for taking or providing the applicant with a copy at the time of the completeness check.

Application forms are not accepted if incomplete, unsigned and/or without appropriate documentary evidence attached.

1. Applying for a Refund of Fees on/before Commencement Date or Census Date (contd)

1.2 Review and consideration of the Completed Application (cont'd)

b) Assessment of the Completed Application

Responsible: Office of the Registrar & Dean

The Office of the Registrar is the designated Fee Refund Officer responsible for the assessment of refund requests. The Dean is the designated Review Officer of any recommendations relating to the full or partial refund of tuition fees. The Office of the Registrar undertakes a review of the Completed Application against the assessment criteria as outlined in the **Tuition Fee Refund Policy for International Students** and makes a recommendation to the Dean to grant or deny the application for the refund of tuition fees within fifteen working days of the Submission Date.

1.3 Advise assessment decision in writing

Responsible: Office of the Registrar

Following assessment, the Office of the Registrar will forward written notification of the decision to grant or deny the application for the refund of tuition fees.

Where an 'Application for Fee Refund' is successful, Macleay sends the student an *Approval of Fee Refund Letter* advising the decision in writing and confirming how the refund will be made (see 1.4 Processing Refunds).

Where an 'Application for Fee Refund' is denied, Macleay does not grant the refund. The applicant is sent a *Refusal of Fee Refund Letter* outlining the reasons for the decision and informing them of their rights to appeal. Applicants wishing to make an appeal should refer to the college **Grievance & Appeals Policies**.

1.4 Processing refunds

The following table summarises the eligibility and entitlement for a refund of international tuition fees on or before Commencement Date and/or Census Date as outlined in this policy. However Macleay College may, in its absolute discretion, grant a partial or full refund where they determine there are special or compassionate circumstances. If applicable, any payment to an agent who recruited the student will be deducted from the *Refund Entitlement* amount.

Refund Eligibility	Refund Entitlement
Macleay College withdraws the offer before Commencement Date	Full Refund (No Administration Fee)
Student provides fraudulent, forged or misleading documentation/information	Full Refund less 10% Administration Fee
Unsuccessful visa application	Full Refund less 5% Administration Fee
Student withdraws before Commencement Date	Full Refund less 10% Administration Fee
Student withdraws before Census Date	Partial Refund (50%)
Granting of Advanced Standing	No Refund. Credit applied to next trimester fees
Transfer to another course of study at Macleay College	No Refund. Credit applied to next trimester fees
Transfer to another Provider	Any refund paid directly to the new provider
Suspension or cancellation of enrolment due to misconduct	No Refund
Permanent Residency (Humanitarian Subclass) before Census Date	Refund of difference between the domestic fee
Cancellation of visa	No Refund

Where an 'Application for Fee Refund' is successful the refund is processed by the same method in which the tuition fees were originally paid. Where the original payment was made by credit card, the refund must be re-credited to the same credit card. Alternatively, it can be paid by EFT but in accordance with banking regulations, it cannot be paid to a different credit card. Refunds cannot be paid in cash.

2. Applying for a Refund of Fees after Census Date

2.1 Submit an application to the Office of the Registrar

Responsible: Applicant

To be eligible for a tuition fee refund, a student must withdraw (cancel their enrolment) in a course of study, on or before the relevant Census Date by lodging the appropriate form with the Office of the Registrar in accordance with the ***Deferral, Suspension & Cancellation of Enrolment Policy***.

Macleay College only considers applications for refunds after the relevant Census Date where it is claimed that special circumstances made it impracticable for the student to complete the requirements for the unit(s) of study. Special circumstances must be:

- a) Beyond a person's control
- b) Did not make their full impact known until after the Census Date for the unit of study in question
- c) Made it impracticable for a student to complete the requirements for the unit of study

Applicants seeking a fee refund after the relevant Census Date should lodge an '*Application for Fee Refund*' with the Office of the Registrar providing details of the special circumstances. An '*Application for Fee Refund*' form can be downloaded from the college website and myHandbook section of the myMacleay Student Portal (Moodle) via <http://mymacleay.edu.au/>.

All applications are required to be completed, signed and it is the responsibility of the student to attach the appropriate documentary evidence in support of their application. The completed application form and attachments should be submitted to the Office of the Registrar.

Macleay College only considers Completed Applications as eligible for assessment. Incomplete forms are returned to the applicant.

2.2 Review and consideration of the completed application

a) Confirm application for completeness

Responsible: Macleay (Office of the Registrar)

The '*Application for Fee Refund*' form as submitted is checked for completeness by the Office of the Registrar. All sections of the application are required to be completed and the application signed (Completed Application). It is the responsibility of the student to attach any relevant supporting documentation to support the claim of special circumstances and the course of study for which a refund is being sought.

All attachments should be copies of originals certified by a Justice of the Peace (or international notary). However if this is not possible, the original documentation can be presented with the application and the Office of the Registrar will take copies of the documentation and witness them as being true copies of the originals presented. The original documentation is then returned to the applicant.

Macleay College only accepts Completed Applications for assessment. The Office of the Registrar signs the *Lodgement Receipt* of a Completed Application and returns the front instruction sheet to the applicant as proof of submission (Submission Date). It is recommended that the student make a copy of their application for their records before submitting to the Office of the Registrar. Macleay College is not responsible for taking or providing the applicant with a copy at the time of the completeness check.

Application forms are not accepted if incomplete, unsigned and/or without appropriate documentary evidence attached.

2. Applying for a Refund of Fees after Census Date (contd)

2.2 Review and consideration of the Completed Application (cont'd)

b) Assessment of the Completed Application

Responsible: Office of the Registrar

The Office of the Registrar is the designated Fee Refund Officer responsible for the assessment of refund requests after Census Date as a result of special circumstances. The Dean is the designated Review Officer of any decisions relating to the full or partial refund of tuition fees. The Office of the Registrar undertakes a review of the Completed Application against the assessment criteria as outlined in the **Tuition Fee Refund Policy for International Students** and makes a recommendation to the Dean to grant or deny the application for the refund of tuition fees as a result of special circumstances within fifteen working days of the Submission Date.

2.3 Advise assessment decision in writing

Responsible: Office of the Registrar

Following assessment, the Office of the Registrar will advise the Applicant of its decision to grant or deny the application for the refund of tuition fees after the relevant Census Date in writing within fifteen working days.

Where an 'Application for Fee Refund' submitted after the relevant Census Date is successful as a result of special circumstances, Macleay College sends the student an *Approval of Fee Refund Letter* advising the decision in writing and confirming how the refund will be made (see 2.4 Processing Refunds).

Where an 'Application for Fee Refund' submitted after the relevant Census Date is denied, Macleay College sends the student a *Refusal of Fee Refund Letter* outlining the reasons for the decision, and informing them of their rights to appeal. Applicants wishing to appeal should refer to the college **Grievance & Appeals Policies**.

2.4 Processing refunds

Responsible: Office of the Registrar

The following table summarises the refund entitlement after Census Date as outlined in this policy. However Macleay College may, in its absolute discretion, grant a partial or full refund where they determine there are special or compassionate circumstances. If applicable, any payment to an agent who recruited the student will be deducted from the *Refund Entitlement* amount.

Refund Eligibility	Refund Entitlement
Student withdraws after Census Date	No Refund
Student withdraws after Census Date due to Special Circumstances	Partial Refund (50%) less 10% Administration Fee
Suspension or cancellation of enrolment due to misconduct	No Refund
Cancellation of enrolment due to unsatisfactory course progression	No Refund
Granting of Advanced Standing	No Refund but credit applied to next trimester fees
Transfer to another course of study at Macleay College	No Refund but credit applied to next trimester fees
Transfer to another Provider	Any refund paid directly to the new provider
Suspension or cancellation of enrolment due to misconduct	No Refund
Permanent Residency (Humanitarian Subclass) obtained after Census Date	No Refund
Cancellation of visa after commencement	No Refund

Where an 'Application for Fee Refund' is successful the refund is processed by the same method in which the tuition fees were originally paid. Where the original payment was made by credit card, the refund must be credited to the same credit card. Alternatively, it can be paid by EFT but in accordance with banking regulations, it cannot be paid to a different credit card. Refunds cannot be paid in cash.