

Refund for International Students Procedure

Policy Code: FN885

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Purpose

Federation University Australia under the Education Services for Overseas Students (ESOS) Act 2000 and the National Code 2007 must have in place a Refund Policy and Procedure which is to be provided to international students who are studying in Australia on a student visa, before formalisation of their enrolment, and students who do not hold student visas and are studying off-shore.

Scope

This Refund Procedure applies to:

- International students studying off shore, and to those students who are 'overseas students' as defined in the National Code.
- Staff of the University involved in the payment and refund of international tuition fees paid to the University.

Definitions

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Term	Definition
Administration Fee:	Fee payable to cover costs involved when a student withdraws from a Program up to 20 working days before or after commencement of semester. The Administration Fee is subject to change.
Application Fee:	Fee payable, if any, set out in the Student Agreement to make an application to study the Program at the University and is subject to change.
Census Date:	The date on which a student's enrolment is taken to be finalised.
Domestic Place:	Commonwealth Supported Place or Domestic Fee-Paying Place
Default Day:	<ul style="list-style-type: none"> - agreed starting day; or - day on which the program ceases to be provided; or - day on which the student withdraws from the program; or - day on which the registered provider of the program refuses to provide, or continue providing, the program to the student.
Domestic Student:	Refers to all students who are not overseas fee-paying students.
ESOS Act:	The Education Services for Overseas Students Act 2000 of the Commonwealth of Australia, as amended from time to time.
Full-time:	The normal amount of study for a particular Program which is approved by the accrediting authority for the Program.
National Code:	The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students, established pursuant to Part 4 of the ESOS Act, as amended from time to time.
Non-Tuition Fees:	Any other additional fees charged by the University that are not included in tuition fees.
Principal Program:	The main program of study to be undertaken by a Student where a Student visa has been issued for multiple programs of study. The principal program of study would normally be the final program of study where the overseas Student arrives in Australia with a student visa that covers multiple programs.
Program:	A full-time registered program offered by the University and registered in accordance with the requirements of the ESOS Act.
Program Fees:	<p>The money received by the University for providing the Program to the Student and includes:</p> <ul style="list-style-type: none"> - tuition fees, - any amount received by the University that must be paid to a registered health benefits organisation on behalf of the student; and - any other amount the student has paid, directly or indirectly, to the University in order to undertake the Program
Semester:	Study Period. Also know as term or teaching period.
Student:	A Student who is enrolled at the University whether or not they have commenced their studies and includes:

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Term	Definition
	- 'overseas students' as defined in the National Code and hold student visas as defined by the ESOS Act; - students studying off-shore who do not hold student visas; and - students who are in Australia on a temporary visa, including a temporary protection visa, but does not include Domestic Students.
Tuition Fees:	Fees the University receives, directly or indirectly, from: (a) an overseas student or intending overseas student; or (b) another person who pays the fees on behalf of an overseas student or intending overseas student; that are directly related to the provision of a program.
Unspent Tuition Fees:	Refund entitlements are limited to tuition fees for your program which remain unspent. Refund to the student of any unspent tuition fees will be calculated in accordance with the formula set out in the ESOS Act.
Weeks in default period:	Number of calendar days from the default day to the end of the period to which the payment relates divided by 7 and rounded up to the nearest whole dollar.
Weekly Tuition Fees:	Total tuition fees for the program divided by number of calendar days in program multiplied by 7 and rounded up to the nearest whole dollar.

Actions

Actions required to meet this procedure are outlined in the following sections:

Full Refunds

Partial Refunds

Refunds for Students Who Obtain Permanent Resident Visa Status

No Refunds

Credit Balances

Process For Claiming Refunds

Payment of Refunds

Full Refunds

1. Tuition Fees and any Application Fee will be refunded in full where:
 - i. the Program does not start on the agreed starting date specified in the Letter of Offer; or
 - ii. an offer of a place is withdrawn by the University prior to commencement and no incorrect or incomplete information has been provided by the Student.
2. Alternatively, the Student may be offered enrolment in an alternative program by the University at no extra cost. If the Student chooses to take up the offer of enrolment in another program, the University will require the Student to sign a document to indicate acceptance of the alternative placement.

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Partial Refunds

1. a. Where a student has been refused a visa and is yet to commence the program the total program fees (both tuition and non-tuition fees) received in respect of the student for the program will be refunded minus the lesser of the following amounts:
 - i. 5% of the total amount of fees received in respect of the student for the program; or
 - ii. \$500
- b. Where a Student has been refused a visa but has already commenced the program the amount of refund payable is the unspent portion of the tuition fees. No refund is payable for non-tuition fees. Refund amount calculated by using the following formula: *refund amount = weekly tuition fees x weeks in default period*
2. The total amount of program fees, less any Application Fee will be provided to the Student where:
 - i. illness or disability prevents a Student from taking up the Program;
 - ii. a Student fails to meet the English or other requirements for admission for the program;
 - iii. there is a death of a close family member of the student (parent, sibling, spouse or child) which prevents the student from taking up the program; or
 - iv. other special or extenuating circumstances, including political, civil or natural events, are accepted at the discretion of the Vice-Chancellor of the University, or his nominees, as preventing a student from taking up the program
3. Where the University withdraws an offer based on incorrect or incomplete information supplied by the Student all fees for the semester and any other program fees paid in advance are refundable less a \$1,000 (including GST of 10%) Administration Fee and any Application Fee.
4. Where a Student, after accepting an offer of a place, withdraws from a Program more than 20 working days before the commencement of a semester, 100% of the Tuition Fees paid for that semester and any other program fees paid in advance are refundable less a \$1,000 (including GST of 10%) Administration Fee and any Application Fee.
5. Where a student, after accepting an offer of a place, withdraws from a program between 20 working days before the commencement of a semester and 20 working days after the commencement of a semester, 50% of the tuition fees paid for that semester and any other program fees paid in advance are refundable less any Application Fee.
6. Where a student has been excluded from the University for failure to meet progression rules or misconduct and has no further right of appeal within the University, a proportion of the Tuition Fees paid in advance are refundable for the part of the program not yet delivered at the date the exclusion takes effect.
7. If the student has not withdrawn from the program and:
 - i. the program ceases being provided after it has started and before it is completed; or
 - ii. the program is not provided in full to the student because the University has a sanction imposed by a government regulator;

the Student is entitled to a partial refund of the program fees that have been paid by the student. The refund will be calculated using the following formula: *refund amount = weekly tuition fee x weeks in default period*
8. In the unlikely event that the University is unable to deliver the program in full or the provider has not entered into an agreement with the student, the student will be offered a refund based on the formula above. Alternatively, the student may be offered enrolment in an alternative program by the University at no extra cost. If the student chooses to take up the offer of enrolment in another program, the University will require the student to sign a document to indicate acceptance of the alternative placement.

Refunds for Students who obtain Permanent Resident Visa Status

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1. Permanent resident status is recognised as from the date of the Visa Grant Letter.
2. If a student is granted Australian permanent resident status before enrolling in a program but after the date of the Letter of Offer for the program:
 - i. the fee paying overseas place will be withdrawn;
 - ii. if the student still wishes to study at the University he or she must apply for a domestic place and will be subject to the selection criteria and fees applicable to domestic applicants for that program; and
 - iii. if the student has already paid the program fees applicable to overseas students for the semester, or any future semesters, a total refund of these fees is payable to the student.
3. If a student is granted Australian permanent resident status after enrolling in a program but before the census date for the semester:
 - i. the student will be eligible for a domestic place and will be subject to the selection and fees applicable to domestic applicants for that program;
 - ii. if the Student has already paid the program fees applicable to overseas students for the semester, or any future semesters, a total refund of these fees is payable to the student.
4. If a student obtains permanent resident status after the census date in a semester, the student will remain classified as an international student for the remainder of that semester and will be liable to pay the international program fee for that semester. From the following semester, the student will be classified as a permanent resident.

No Refunds

1. A student who withdraws or defers from a program more than 20 working days after the commencement of a semester shall not be eligible for a refund for that semester except for the reasons outlined in Partial Refunds Items 2 (i-iv).
2. A student whose enrolment is either suspended or cancelled by the University for whatsoever reason during a semester, including but not limited to misbehaviour or non-payment of fees to the University, shall not be eligible for a refund for that semester.
3. A student whose visa is cancelled during a semester shall not be eligible for a refund.

Credit Balances

1. Students can apply for a refund of a credit balance. Normally credit balances on the student's account will automatically be transferred as payment or part payment of the student's fees payable for the next semester or to other outstanding debts owing to the University, if a refund request has not submitted by the student. It is the responsibility of the student to be aware of all credit amounts (excess payments) on their account and to maintain current address and contact details. Refunds of credit balance will normally be made in the currency of the student's country of permanent residence.
2. Credit amounts on a student's account up to and including \$100AUD will be forfeited to the University and processed as a forfeit of an insignificant credit balance. The University deems that credit balances are insignificant balances if the credit balance is \$100 or less and the student's program status is inactive for more than one (1) semester.
3. Students with unclaimed credit amounts greater than \$100AUD will be notified in writing of their credit amount if the student's program status is inactive for more than one (1) semester. If refund applications are not received within twelve (12) weeks of the date of this written communication, credit balances will be deemed as unclaimed and dealt with by the University according to the Unclaimed Monies Act 2008.

Process For Claiming Refunds

1. Refund applications for full or partial refunds must:

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- i. be made in writing on the Request Refund Form (International Students); and
 - ii. set out the reasons for the application; and
 - iii. be accompanied by supporting documents as may be appropriate; and
 - iv. be forwarded to:
International Admissions - Federation University Australia
PO Box 663
Ballarat VIC 3350
Email: internationaladmissions@federation.edu.au
or
For students studying at a Partner Provider location refund applications must be forwarded directly to your teaching location
2. Refund applications will not be processed where the signature on the Application for Refund Form does not match the student's signature as shown on other documents provided by the student for admission to the University.
 3. Refunds will be issued to the student, unless:
 - i. the student is registered with an approved sponsor who has paid the tuition fees on behalf of the student; or
 - ii. the student gives written direction to pay the refund to another person or organisation and provides documentary evidence to substantiate that the other person or organisation paid the tuition fees.
 4. A Refund Calculation Statement will be prepared and forwarded to the student and any refund will normally be made in the currency of the student's country of permanent residence and payable in that country. Exceptions include non-tradable currencies (where the refund would normally then be paid in USD) or payment to another Australian educational institution. Federation University Australia is not liable for any variance from the foreign exchange rates fluctuations.
 5. The funds covering the tuition fees must be cleared (i.e. cheques cleared, telegraphic transfers received etc).
 6. All debts to the University must have been paid before any refund can be calculated with any outstanding amounts to be deducted from the refund.

Payment of Refunds

1. Applications for refunds for Students must be authorised by the Vice-Chancellor or his or her nominee.
2. Where:
 - i. the Program does not start on the agreed starting date; or
 - ii. the University ceases the Program after it starts and before it is completed; or
 - iii. the Program is not provided fully to the Student because the University has a sanction imposed by a government regulator,
and the Student has requested a full refund of fees rather than placement in an alternate Program, the refund of fees will be paid in full to the Student within 2 weeks.
3. In any other circumstance, the University will refund the amount within 4 weeks after receipt of the completed and signed Application for Refund Form together with appropriate supporting documents
4. In any other circumstance, the University will refund the amount within 4 weeks after receipt of the completed and signed Application for Refund Form together with appropriate supporting documents.
The following exceptions apply:
 - i. refusal of student visa; or
 - ii. where the University has not entered into a written agreement with the overseas student the University will pay the refund within 4 weeks after the default date. A completed and signed refund form must be submitted.
5. The date of the notification for application for refund is the date the completed and signed Application for Refund is received by the University.

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- Under banking regulations, if a student has made payment with a credit card any refund must be credited to the original credit card. Federation University Australia will refund to the original credit card if the initial payment was made within the previous 12 months, otherwise the refund will be processed by an alternative payment method.

Refund Appeals Process

A student who is dissatisfied with the outcome of an application for a refund has the right to request a review of the decision. The student must make this request in writing within 28 days of receiving the initial decision, to the University Review Officer:

*Federation University Australia
Attn: Manager, Student Finance
PO Box 663
Ballarat VIC 3350
Australia*

The student must set out the reasons for requesting a review of the decision and provide any relevant supporting documentation. Each request for review will be considered on its merits in conjunction with the supporting documentation provided. The supporting documentation should provide enough detail for the University Review Officer (Manager, Student Finance or delegate) to make an informed decision regarding the request for review.

The review process will commence within 10 working days of lodgement of the request for review and the University Review Officer will provide written acknowledgement of receipt of the request. Once a decision has been made the University Review Officer will notify the student in writing of the decision and the reasons for making the decision.

The decision of the University Review Officer is final and there is no further avenue of appeal within the University. If a student wishes to take the matter further then they have the right to access the external complaints and appeals process of the Victorian Ombudsman.

The Victorian Ombudsman can be contacted at the following address:

*Victorian Ombudsman
Level 1 North Tower
459 Collins Street
Melbourne VIC 3000
Phone: (03) 9613 6222 or 1800 806 314
Fax: (03) 9614 0246*

Further information can be obtained via the following link: www.ombudsman.vic.gov.au

Deceased Students

The personal legal representative of the Deceased Estate must apply for any excess payments which are to be refunded. The administrators must supply details about who the refund is payable to. The University reserves the right to request official documentation to support any such claims.

Responsibilities

- Centre for University Partnerships
- Student Finance

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- Financial Services
- Partner Providers

Policy Base

- Education Services for Overseas Students Act 2000 (The ESOS Act) (amended version)
- ESOS Regulations 2001
- University of Ballarat Act 2010
- The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007 (The National Code)
- [Refund for International Students Policy](#)

Associated Documents

Forms.

- [Refund Calculation Statement](#) (DOCX 204.7kb)
- [Refund Request Form \(International Students\)](#) (PDF 103.9kb)

Forms/Record Keeping

Title	Location	Responsible Officer	Minimum Retention Period
International Refund Request Form	Student Finance records / Finance Refund File	Centre for University Partnerships Partner Provider Student Finance Financial Services	7 years
International Refund Calculation Statement	Student Finance records / Finance Refund File	Centre for University Partnerships Partner Provider Student Finance Financial Services	7 years
Refund Appeal (Letter/Appeal Application, Documentation, Outcome)	Student Finance records / Finance Refund File	Student Finance Financial Services	7 years

Implementation

This Procedure will be implemented using the following strategies:

1. An Announcement Notice under 'FedNews' and through the University Policy - 'Recently Approved Documents' webpage to alert the University-wide community of the approved Procedure.

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2. Inclusion on the University's online Policy Library.

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