

Program Modification and Tuition Fee Refund Policy

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Approved by	Corporate Governance Board
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Purpose

Sydney Institute of Higher Education (SIHE) understands the importance of fair and transparent processes with regard to students' enrolment and financial matters.

The *Program Modification and Tuition Fee Refund Policy* defines the principles and procedures to be followed when a student applies for a program withdrawal, deferral, leave of absence, or fee refund.

Scope

This policy applies to all students at SIHE, including domestic and international students.

Principles

The principles and procedures outlined in this document are designed to be aligned with national legislation and regulatory requirements, including the *Higher Education Standards Framework (Threshold Standards) 2021*, and the *Education Services for Overseas Student Act 2000 (ESOS Act)*.

SIHE must conduct all enrolment administration and fee refund activities in a fair and transparent manner, ensuring that all students are treated equally.

SIHE must ensure that all students are aware of their options, rights, and obligations through all enrolment and refund processes.

Procedures

Student Information

SIHE will communicate to all students:

- The commencement date, census date and administrative date for each term, along with the implications of each
- The applications identified below must be submitted by the administrative date to avoid late fees

- The availability of application forms for enrolment/refund matters online or through student support/administrative staff at SIHE
- The availability of this policy on the SIHE website
- Student complaints and appeals processes, including the condition that SIHE cannot alter a student's enrolment during the complaint or appeals process.

Deferral

Students are permitted to defer the commencement of their studies for up to 12 months. Students must submit deferral requests through Student Administration Coordinator. Students are automatically re-enrolled at the end of the deferral period and are not required to re-apply for a place of study within their program.

Full details as to the circumstances when a student may defer the commencement of their studies are listed in the *Enrolment Policy*.

Leave of Absence

Students may apply for a leave of absence under extenuating circumstances that are negatively impacting their studies. A leave of absence may be granted for up to 12 months. This can be done through the Student Administration Coordinator. Students are automatically re-enrolled at the end of the leave of absence and are not required to re-apply to the program.

Full details as to the circumstances when a student may apply for leave or intermission of studies are listed in the *Enrolment Policy*.

Change of Enrolment

After enrolling, students may modify their program by withdrawing from a unit, enrolling in an additional unit, or changing the term in which they commence a unit. This can be done through the Student Administration Coordinator.

Students are advised to change their enrolment before the Commencement Date in order to avoid being charged a fee for late changes to their enrolment.

Full details as to the circumstances when a student may change their enrolment are listed in the *Enrolment Policy*.

Program Withdrawal

Students who wish to withdraw from a program at SIHE are strongly encouraged to speak with the Program Director and/or a relevant student support officer in order to discuss their reason for withdrawal and future plans.

Students may apply to Student Administration Coordinator to withdraw from their program.

Full details as to the circumstances when a student may withdraw from their course or unit are listed in the *Enrolment Policy*.

Students are not guaranteed a place in the program from which they have withdrawn. If they wish to be

re-admitted in future, they must go through the program application and admissions process.

International Students

All procedures defined above are available to international students, however, international students must remain aware of their visa conditions and the effect that program modification may have on their enrolment and consequent visa requirements. SIHE must take into account the impact of an international student's application on their visa when evaluating applications.

SIHE will only grant program deferrals and leaves of absence and impose temporary suspensions on serious grounds such as compelling or compassionate circumstances.

SIHE recognises its obligation to report any changes to the enrolment details of an international student through the Provider Registration and International Student Management System (**PRISMS**) system.

Full details are provided in the *Enrolment Policy, Monitoring Academic Program Progress and Procedures for Monitoring Program Progress of International Students*.

Refund of Fees

Principles relating to refunds

All refund requests will be considered by SIHE having regard the principles outlined in the *Higher Education Support Act 2003 (HESA)*, the *Higher Education Standards Framework (Threshold Standards) 2021*, the *Education Services for Overseas Students Act 2000 (Cth)* (ESOS Act) and related regulations, legislative instruments and standards.

Any decision made by SIHE regarding a refund does not affect the rights of the student to take action under the Australian Consumer Law if the Australian Consumer Law applies.

General rules applicable to all refunds:

1. When seeking refunds, students must complete and submit a Refund Request Form available on the SIHE website.
2. Refunds will only be paid after cleared funds are received in the SIHE bank account.
3. Outstanding debts owed by the student to SIHE will be deducted from any refund prior to payment.
4. All refund payments will be accompanied by a statement setting out any amounts that have been deducted from the refund.
5. If payments have been made by credit card, any applicable credit card surcharge will be retained by SIHE and not refunded.
6. Where a refund is payable, the refund is made in Australian dollars, within 28 calendar days from the date the student submits a Refund Request Form.

Provider default by SIHE

Under section 46A of the *ESOS Act* where SIHE defaults, in relation to an overseas student or intending

overseas student and a course at a location, if:

- (a) the provider fails to start providing the program to the student at the location on the agreed starting day; or
- (b) after the program starts but before it is completed, it ceases to be provided to the student at the location; and the student has not withdrawn from the program before the default day.

Where SIHE defaults, it will either:

- (a) arrange for the student to be offered a place in an alternate program at SIHE's expense; or
- (b) pay a refund as provided under the policy.

The student may elect whether to accept the offer of an alternative program or to obtain a refund.

Where there is a default by SIHE, applications are not required for refunds, which will be paid within 14 calendar working days of the agreed starting date or the date on which the course ceases to be provided.

Full tuition fee refunds

Full tuition fee refunds are payable if:

1. SIHE is unable to provide the academic program offered and the student does not wish to undertake an alternate program at SIHE's expense.
2. The offer of enrolment is withdrawn by SIHE for reasons other than incorrect or incomplete information supplied by the student (or the student's agent) at the time and the student does not wish to undertake an alternate program at SIHE's expense.
3. Withdrawal for visa refusal in writing and received by SIHE within 14 days of the visa refusal letter issued by the Department of Home Affairs but before your original course commencement date if the refusal is not due to your actions, such as forged or fraudulent documents, or failure to provide the documents required by Department of Home Affairs. Students must submit a Refund Request Form and supply evidence of their visa refusal to SIHE.
4. Approval of an Australian visa is delayed for reasons beyond the student's control resulting in the student being unable to commence the program in which they have accepted an offer of a place. Students must submit a Refund Request Form and supply evidence that their visa has been delayed for reasons beyond their control.
5. Where the student gives SIHE written notice to withdraw more than 28 calendar days before the Commencement Date.

All refunds will attract an administration fee: \$500.

If SIHE is unable to provide a refund or place the student in an alternative program, then, under Division 3, the Tuition Protection Services, TPS Director will provide the student with options for a suitable alternative program (if any such programs are available). SIHE will notify, in writing, the TPS Director of the default within 3 business days of the default occurring. SIHE will also notify, in writing, the students to whom the default has affected.

Partial Tuition Fee Refunds

Where a student fails to commence, discontinues or withdraws from a program, SIHE may provide a partial tuition fee refund within 28 calendar days from the date the student submits a Refund Request Form. The amount of the tuition fee refund, if any, will be calculated as follows:

1. Withdrawal for visa refusal in writing and received by SIHE within 14 days of the visa refusal letter issued by the Department of Home Affairs but after your original course commencement date if the refusal is not due to your actions, such as forged or fraudulent document, or failure to provide the documents required by Department of Home Affairs. 100% refund of the UNUSED tuition fee paid.
2. Where the student gives SIHE written notice to withdraw 28 calendar days or less from the Commencement Date, SIHE will refund 50% of students commencing term's tuition fees and the remainder of any unused tuition fees for future terms that have been paid in advance.
3. Where the student gives SIHE written notice to withdraw less than 28 days prior to course commencement date, SIHE will refund 30% of students commencing term's tuition fees and the remainder of any unused tuition fees for future terms that have been paid in advance.

All refunds will attract an administration fee: \$500.

For more information please refer to the *Enrolment Policy*.

No Tuition Fee Refunds

1. Withdrawal for visa refusal in writing and received by SIHE if the refusal is due to your actions, such as forged or fraudulent documents, or failure to provide the documents required by Department of Home Affairs.
2. Withdrawal for visa refusal in writing and received by SIHE more than 14 days of the visa refusal letter issued by Department of Home Affairs.
3. Withdrawal in writing and received by SIHE after your visa granted by Department of Home Affairs.
4. Withdrawal after the original course commencement date.
5. Where the student gives SIHE written notice to withdraw, fails to commence or discontinues after the Census Date, SIHE will not refund any of the students commencing term's tuition fees.
6. Where SIHE cancels the student's enrolment after the census date, SIHE will not refund any of the students commencing term's tuition fees. However, SIHE will refund the remainder of any unused tuition fees for future terms that have been paid in advance.
7. Termination of enrolment/study for failure to comply with SIHE's policies and procedures and, or Department of Home Affairs visa requirements.
8. If any submitted application or enrolment document is found forged or otherwise fraudulent, and SIHE terminate enrolment.

Fraudulent actions of the student

SIHE will not refund any of the students commencing term's tuition fees where the student (or the

student's agent) has provided fraudulent information to SIHE including:

1. making a material misrepresentation at any time when applying for enrolment to a program or when satisfying any condition of enrolment,
2. failing to disclose to SIHE a fact or circumstance material to SIHE's decision to enrol the student into a program,
3. obtaining or accepting an offer of enrolment or a conditional offer of enrolment on the basis that any prior educational qualification, English language test result or other evidence required by SIHE to make an offer was obtained wholly or partly by fraud, academic misconduct or other dishonesty and results in SIHE withdrawing an offer or cancelling the student's enrolment.

Failure to obtain the necessary visa or travel documents

Where an Australian visa application is refused or is delayed for reasons beyond the student's control resulting in the student being unable to commence the program, the student may be eligible for a full tuition fee refund (see above).

However, SIHE will not refund any of the commencing term's tuition fees were an Australian visa application is refused or delayed due to:

- failure on the part of the student (or the student's agent) to provide any required documentation to the Department of Home Affairs (DHA) in a timely manner,
- the student providing fraudulent documents or misleading information to the Department of Home Affairs (DHA), or
- the student failing to respond to any reasonable request from the Department of Home Affairs (DHA) that would be necessary for the issuance of the Australian visa.

Deferral of Studies

Where a student, upon after accepting an offer of enrolment, gives written notice prior to the Census Date of their intention to defer their place in the program to the next available intake, all tuition fees will be transferred to the next available intake. The next available intake will be the following term. An offer of enrolment may be deferred for up to 12 months. If after deferring a student gives written notice to withdraw from a program, fails to commence or discontinues, a refund will be processed in accordance with the timeframes and circumstances relevant to the date of the original deferral.

Full details of fees and refund amounts available are listed in the *Schedule of Fees*

Record Keeping

It is Student Administration Coordinator's responsibility to ensure that each student's records must include all details of any program modification or tuition refunds they have received in their time at SIHE.

Policy Implementation and Monitoring

The *Corporate Governance Board* delegates responsibility for the day-to-day implementation of this policy to Provost, in liaison with Program Directors where relevant.

The *Corporate Governance Board*, in accordance with the *Compliance Calendar*, will review all periodic reports from relevant committees and staff members.

Additionally, the *Corporate Governance Board* will review all relevant student complaints, concerns raised by staff members, and instances of student or staff misconduct on an ongoing basis.

The *Corporate Governance Board* must ensure that findings from these monitoring activities are taken into account in planning, quality assurance and improvement processes.

Definitions

Administrative date: The latest date for students to complete enrolment at SIHE, after which late enrolment fees may be charged.

Census date: The latest date that students may withdraw from a program without academic penalty.

Commencement Date: the Monday of the first teaching week for the student's commencing term.

Deferral: Postponing the commencement of study.

Department of Education and Training: a department of the Government of Australia that is responsible for national policies and programs ensuring the quality and accessibility of early childcare and childhood education, school education, higher education, vocational education and training, international education and research.

Education Services for Overseas Student Act 2000 (ESOS Act): Australian federal legislation establishing legislative requirements and standards for the quality assurance of education and training institutions offering programs to international students who are in Australia on a student visa.

Leave of Absence: Time granted by SIHE for a student to take time off study without academic penalty

Provider Registration and International Student Management System (PRISMS): a system operated by the Australian Government Department of Education and Training that enables CRICOS-registered higher education providers to confirm and report changes to the enrolment of international students.

Withdrawal: Un-enrolling from a program or unit

Review schedule

This policy will be reviewed by the *Corporate Governance Board* every three years.

Version History

Version number:	Approved by:	Approval date:	Revision notes:	Next review date:
1	Corporate Governance Board	05/02/2018		5/2/2021
2	Corporate Governance Board	29/07/2020	Revision to comply with National Code 2018	29/07/2023
3	Corporate Governance Board	27/11/2020	Revision refund provisions	27/11/2023
4	Corporate Governance Board	30 September 2022	Revision of refund provisions	30 September 2022

End of document: "Program Modification and Tuition Fee Refund Policy"

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Related Documents

		Data and Records Integrity Policy
		Enrolment Policy
		Information For Students Policy
		Monitoring Academic Progress Policy
		Program Discontinuation Policy
		Procedures for Monitoring Program Progress of International Students
		Schedule of Fees
		Corporate Governance Board - Terms of Reference
		Program Director - Business
		Program Director - ICT
		Provost
		Student Administration Coordinator