

Remission of Debt Policy

Title	Remission Or Refund In Special Circumstances
Overview	This Policy describes the principles and practice for the management of students who seek a refund / remission of debt because of unforeseen circumstances that affect their ability to study.
Key Words	Refund, fees
Scope	All coursework degrees
Related documents	
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Policy For Remission Or Refund In Special Circumstances

Definitions: (NB. These are working definitions that may be changed to ensure consistency with terminology employed in the Student System).

Remission of Debt: Process where:

- a student's HECS-HELP debt or FEE-HELP debt with the Commonwealth is cancelled in part or in full, and/or
 - debt to the University for tuition or other fees is cancelled in part or in full, and/or
 - scholarship entitlement usage is remitted, and/or
 - where relevant, the Student Learning Entitlement (SLE) is also re-credited.
- Remission occurs most commonly on a subject by subject basis

Refund: Process where any fees or student contribution paid by the student are repaid to the student.

Special Circumstances: Circumstances which have a significant impact on the student, affecting their ability to complete their study in a unit.

Supporting documentation: Documentation provided by the student as part of the application for remission or refund to provide evidence of their claim.

Policy All coursework programs including non-award programs

This policy outlines the circumstances under which a student may seek remission of debt or refund of fees, following late withdrawal from subjects, and the rules relating to the application and review process.

The policy applies:

- to all students enrolled in award or non award subjects, where those subjects are recorded on the University student system, and
- where the student has withdrawn from subject/s after the census date, or
- where the student has failed a subject, and
- where the reason for withdrawal or failure is a result of special circumstances as defined by legislation, and
- where the special circumstances had a significant affect on the students ability to study, and
- where the application has been made within the legislated timeframes.

The policy does not apply to:

- Students who withdrew or took leave of absence before census date (fees will be refunded or no debt incurred)
- Students who submit an application outside of the legislated timeframes.

This policy is based on University statutes and fee policy, and on Commonwealth legislation, through the Higher Education Support Act (2003) (HESA) and the Education Services for Overseas Students Act (2000) (ESOS) legislation.

Details of these requirements are listed in the Appendices.

1 Process overview and responsibility:

A student who wishes to claim a remission or refund must:

- Complete the application in line with the guidelines;
- Provide full supporting documentation as detailed in the guidelines, and
- Make the application within the legislated timeframes.

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Enrolment Management Services in the Student Management Services receive the application and:

- review the student's application to ensure the application and all supporting documentation comply with Commonwealth legislative and University policy requirements;
- provide a receipt of the application;
- consult with the relevant Student Centre or Graduate School to ascertain the details of the case.

Faculties are responsible for providing full details - any other relevant information relating to the student's situation, and which may have a bearing on the outcome - to the remissions officer pertinent to the application for remission or refund within requested timeframes.

Finally, the SAO will consider all the information provided by the student and the and make a determination (approval or rejection of the application). The subsequent approval or rejection of the application and advice in writing to the student must be provided and within required timeframes.

2 *Special Circumstances*

Special circumstances are defined under the Higher Education Support Act (2003) and related guidelines, with strict requirements with regards to:

- when the circumstances occurred,
- when they affected the student, and
- timeframes to apply for remission under special circumstances.

For the purpose of clarifying the basis of application, special circumstances are grouped into five broad categories:

- a) Medical circumstances
- b) Family circumstances
- c) Personal circumstances
- d) Employment related circumstances
- e) Course-related reasons (eg course redesign impacting on student).

3 *Supporting documentation*

A student must provide supporting documentation as part of the application for remission or refund. It must be from an independent source or authority, and clearly indicates the level of impact of the special circumstances, what the special circumstances were, when they occurred, and how long they lasted.

Examples of appropriate documentation include:

- Detailed medical statement from a physician or medical specialist (a doctor's certificate is not acceptable)
- Detailed statement from a family priest or other religious leader
- Detailed statement from a counselor (for example University counseling service)
- Police statement
- Letter from employer detailing significant change in employment circumstances
- Copy of death certificate or death notice of close family member, spouse etc.
- Supporting letter from a lecturer, head of school, or relevant Student Centre staff member familiar with the student's situation

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Procedure and Practice non-award courses

Non-award courses include:

- Community Access program (CAP)
- Study Abroad inwards (outwards apply direct to host institution)
- Complementary enrolment inwards (outwards apply direct to host institution)
- Bridging study for overseas professionals

Students enrolled in non-award courses may apply for remission or refund in special circumstances according to the guidelines for award students.

Procedure and Practice All award courses & all fee types

Students under Commonwealth support, HECS-HELP, FEE-HELP or full fee arrangements may apply for remission or refund under special circumstances. This includes sponsored students. Any refund of fees for a sponsored student would be made to the party that originally paid the fee.

Students may only apply for remission or refund where the fee or debt was incurred at the University of Melbourne. For example a student undertaking study abroad and paying relevant fees at another institution would have to apply directly to the other institution under their policy for any remission or refund in special circumstances.

4 Special Circumstances requirements

The requirements are established by the Federal Government under the “Student Learning Entitlement Guidelines”. Circumstances must be:

- beyond the student’s control and
- do not make their full impact on the person until on or after the census date for the subject; and
- make it impracticable for the student to complete the requirements for the unit during the period during which the student undertook, or was to undertake, the subject.

5 Application deadlines

Application must be made within set timeframes

There are strict timeframes for making an application for remission or refund in special circumstances, and these are set by the HESA (S79-10, S36-22 and S104-35). The timeframes are:

- Within twelve months after the date of withdrawal from the unit, or
- If not withdrawn, twelve months after the end of the study period for the unit.

The only exceptions to these timeframes are where the student was incapable of submitting the application within the timeframe (for example in a coma, institutionalised etc). The University has the discretion to accept applications outside of these timeframes under these circumstances. The supporting documentation must clearly demonstrate the student’s inability to make the application.

6 Supporting documentation

Application must include supporting documentation from an appropriate and independent authority or source, which clearly stipulates:

- When the circumstances commenced,
- How they impacted on the student and their ability to study,
- How long the circumstances lasted.

Refer to section 3 for examples of suitable supporting documentation.

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Supporting documentation must be provided within 28 days of submitting the application. An application without supporting documentation cannot be considered.

7 Remission or refund cannot occur for units successfully completed

A remission application cannot be approved for units successfully completed (passed).

A student who received a fail grade is considered to not have successfully completed the subject, and therefore may apply for remission or refund.

8 Subject Grade for successful applications

In most cases, the student's grade/s will be reset to WD (Withdrawal approved by the relevant Student Centre for good cause) if the application has been approved.

The only exception is where the student has been terminated or suspended for academic reasons. In this case, the fail grade, and any other academic penalties, will remain.

9 Application by a student whose enrolment has been terminated or suspended for academic reasons

Students who have been terminated or suspended for academic reasons may apply for remission or refund under special circumstances, provided they comply with the requirements of this policy.

Approval of refund or remission in such a case will not have any bearing on the academic progress outcome.

Where the student is experiencing difficulties in terms of medical, personal or employment situation, it is incumbent on the student to advise their relevant Student Centre or progress committee, and consider other alternatives, such as leave of absence, until their situation is resolved.

In the event of termination of enrolment, the academic outcome is the result of a lengthy process of monitoring and mentoring of the student over an extended period, and in which the student has responsibility to meet academic targets set by the progress committee in order to improve performance. Termination is the culmination of this process.

Application for refund or remission in special circumstances will therefore not affect the academic outcome in such cases. The assessment of the application will take into account the efforts of the University to assist the student through the period of unsatisfactory progress.

10 International students in their first year of study

Additional external costs are incurred by the University in order to attract international students. Agents' fees are often paid by the University on behalf of the student, and this information is clearly recorded against the student record during the application phase.

Any such fees incurred by the University in recruiting the student will be deducted from the refund amount where the application for remission or refund in special circumstances relates to the first year of study of an international student. Refer to Appendix 3 for supporting legislation and policy.

Where a refund is approved, the student will need to contact their Overseas Health Care Card provider for any refund of health insurance fees, as any fees paid directly to the University are passed on to the provider.

11 Timeframe for response to student

Written acknowledgement will be issued to the student within 3 business days of receipt of the student's application.

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Confirmation of a decision will be issued within 4 weeks from receipt of the application and all supporting documentation.

Appeal and Review Requirements

Under the HESA (S209-10), the student may appeal in writing within 28 days of receipt of the notice of the decision. The appeal is made to the General Manager, Enrolment Management Services.

The application will be reviewed in line with the HESA (Part 5-7) review requirements as follows:

The review must be made by:

- an officer not involved in the original decision, and
- the officer must be in a position senior to that of the person who made the original decision

The reviewing officer will be:

- a Team Leader, or
- the General Manager, EMS, or
- the Director, Student Management Services Department, or
- the Vice Principal and Academic Registrar.

The reviewing officer will either:

- Confirm the decision, or
- Vary the decision, or
- Set the decision aside and substitute a new decision.

The outcome of the review must be notified to the student within 45 days. Notification of the final decision must advise the student they are entitled under legislation to refer the matter to the Administrative Appeals Tribunal.

References & Attachments:

Appendix 1 – University Statutes

Appendix 2 – Higher Education Support Act (2003)

Appendix 3 – Education Services for Overseas Students (ESOS) Requirements

Appendix 1 University Statutes

Statute 11.8.5 which covers remission or reimbursement of fees, states:

“ if, in the opinion of the academic registrar, special circumstances caused a student to cancel his or her enrolment during the year the academic registrar may direct that all or part of any fee owed or paid by the student to the institution for the year may be remitted or reimbursed as the case may be”

Appendix 2 Higher Education Support Act (2003)

Special Circumstances

Special Circumstances are defined as follows (HESA (S79-5)):

Special circumstances:

- a) *are beyond the person's control; and*
- b) *do not make their full impact on the person until on or after the census date for the unit of study in question; and*
- c) *make it impracticable for the person to complete the requirements for the unit during the period during which the person undertook, or was to undertake, the unit.*

The "Student Learning Entitlement Guidelines" (The Guidelines) (Chapter 5) also state the following:

5.5 CIRCUMSTANCES BEYOND A PERSON'S CONTROL

5.5.1 The higher education provider will be satisfied that a person's circumstances are beyond that person's control if a situation occurs 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.

5.5.5 This situation must be unusual, uncommon or abnormal.

5.10 CIRCUMSTANCES THAT DID NOT MAKE THEIR FULL IMPACT UNTIL ON OR AFTER THE CENSUS DATE

5.10.1 The higher education provider will be satisfied that a person's circumstances did not make their full impact on the person until on or 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 or magnitude does not become apparent until on or after that day; or
- (c) on or after the census date.

According to The Guidelines the circumstances which *make it impracticable for a student to complete the requirements for their unit of study* include:

- a) Medical circumstances
- b) Family circumstances
- c) Personal circumstances
- d) Employment related circumstances
- e) Course-related reasons (eg course redesign impacting on student).

Application Period

79-10 Application period

- (1) If:
- (a) the person applying under paragraph 79-1(1)(d) for the re-crediting of the person's *SLE in relation to a unit of study has withdrawn his or her enrolment in the unit; and
 - (b) the higher education provider gives notice to the person that the withdrawal has taken effect;
- the application period for the application is the period of 12 months after the day specified in the notice as the day the withdrawal takes effect.
- (2) If subsection (1) does not apply, the application period for the application is the period of 12 months after the end of the period during which the person undertook, or was to undertake, the unit.

79-15 Dealing with applications

- (1) If:
- (a) the application is made before the end of the application period under section 79-10; or
 - (b) the higher education provider waives the requirement that the application be made before the end of that period, on the ground that it would not be, or was not, possible for the application to be made before the end of that period;
- the provider must, as soon as practicable, consider the matter to which the application relates and notify the applicant of the decision on the application.
- (2) The notice must include a statement of the reasons for the decision.

Appendix 3 Education Services for Overseas Students Act (ESOS) requirements

ESOS National Code of Practice

The Education Services for Overseas Students (ESOS) National Code of Practice requires the institution to articulate any provisions which apply to the refund policy as follows:

S43..1 The written agreement must specify refund provisions to apply where a student does not start a course on the agreed date, or withdraws before its completion. These must generally be compatible with Commonwealth and State consumer protection law

University Fee Policy

The University International Fee Policy states that for refunds:

“For international students in their first year of enrolment, any overseas representatives’ fee that has been paid will not be refunded.”

